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ACTS AND RESOLVES

PASSED BY THE
General Court of Massachusetts
IN THE YEAR

1999

PUBLISHED BY
William Francis Galvin
SECRETARY OF THE COMMONWEALTH



The General Court, which was chosen November 3, 1998, assembled on Wednesday, the sixth day of January 1999 for the first session.

His Excellency Argeo Paul Cellucci and the Honorable Jane M. Swift served as Governor and Lieutenant Governor respectively for the political year of 1999.

1999 ACTS AND RESOLVES

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Secretary of the Commonwealth

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Chapter 1. AN ACT RELATIVE TO ANTIQUE AND REPLICA WEAPONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to further regulate the sale and storage of antique and replica weapons, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 121 of chapter 140 of the General Laws, as appearing in section 8 of chapter 180 of the acts of 1998, is hereby amended striking out the third paragraph and inserting in place thereof the following paragraph:-

The provisions of sections 122 to 129D, inclusive, and sections 131, 131A, 131B and 131E shall not apply to:

(A) any firearm, rifle or shotgun manufactured in or prior to the year 1899;

(B) any replica of any firearm, rifle or shotgun described in clause (A) if such replica: (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

SECTION 2. Section 129C of said chapter 140 is hereby amended by inserting after the word "by", in line 91, as appearing in the 1996 Official Edition, the following words:- residents or.

SECTION 3. The third paragraph of section 131K of said chapter 140, as appearing in section 47 of chapter 180 of the acts of 1998, is hereby amended by adding the following sentence:- This section shall not apply to any firearm manufacture prior to the year 1899, or to any replica of such a firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition.

SECTION 4. Section 131L of said chapter 140, as so appearing, is hereby amended by adding the following subsection:-

(f) This section shall not apply to the storage or keeping of any firearm, rifle or shotgun with matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or prior to the year 1899, or to any replica of any such firearm, rifle or shotgun if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition.

Approved March 5, 1999.

Chapter 2. AN ACT AUTHORIZING THE TOWN OF WESTFORD TO TRANSFER CARE, CUSTODY AND CONTROL OF A CERTAIN PARCEL OF LAND FROM ITS WATER COMMISSION TO ITS CEMETERY COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The town of Westford may transfer care, custody and control of a certain parcel of land used for water supply purposes from the water commission to the cemetery commission to be used for cemetery purposes. Said parcel is shown as Lot 1 on a plan of land entitled "Plan of Land, Forge Village Road and Patten Road, Westford, MA" dated June 1, 1998 drawn by Diversified Civil Engineering which is on file with the planning board of the town.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1999.

Chapter 3. AN ACT RELATIVE TO ADOPTION AND PROMOTING THE WELFARE OF CHILDREN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expedite the adoption process and promote the welfare of the children of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 28A of the General Laws is hereby amended by inserting after the word "evaluation", in line 46, as appearing in the 1996 Official Edition, the following words:- including, but not limited to, reports by placement agencies detailing the number and nature, as defined by the department of social services, of adoptions processed during each calendar quarter to be filed with said department on or before January 30 of each year.

SECTION 2. Said chapter 28A is hereby further amended by inserting after section 11A the following section:-

Section 11B. Each placement agency shall register with an adoption resource exchange in the commonwealth any child whose goal is adoption, whether the child is free for adoption or at legal risk, for whom the placement agency has been unable to identify a specific adoptive family or initiate the adoption process with a prospective adoptive family within 60 days of the determination of the goal of adoption. For the purposes of this section, adoption resource exchange shall mean a nonprofit agency the primary purpose of which is to link children awaiting placement with permanent families by providing information and referral services and by the recruitment of potential adoptive families.

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SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after section 2VV, inserted by section 29 of chapter 463 of the acts of 1998, the following section:-

Section 2WW. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Adoption Affordability Assistance Fund which shall be expended subject to appropriation and which shall consist of revenues received from: (1) state appropriations; (2) gifts, grants and donations from public and private sources; (3) interest earned from fund reserves; (4) federal reimbursements, grants-in-aid and other receipts which may be used for the purposes set forth herein; and (5) any other monies credited or transferred to the fund from any other source. The monies deposited annually in the fund shall be allocated to the office of child care services and administered by the office in order to provide funding for below market rate loans to families to adopt children. The commissioner of said office shall promulgate rules and regulations necessary to carry out the purposes of this section. The books and records of the fund shall be subject to a biennial audit by the state auditor.

SECTION 4. Section 1 of chapter 119 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following four paragraphs:-

The health and safety of the child shall be of paramount concern and shall include the long-term well-being of the child.

In all matters and decisions by the department, the policy of the department, as applied to children in its care and protection or children who receive its services, shall be to define best interests of the child as that which shall include, but not be limited to, considerations of precipitating factors and previous conditions leading to any decisions made in proceedings related to the past, current and future status of the child, the current state of the factors and conditions together with an assessment of the likelihood of their amelioration or elimination; the child's fitness, readiness, abilities and developmental levels; the particulars of the service plan designed to meet the needs of the child within his current placement whether with the child's family or in a substitute care placement and whether such service plan is used by the department or presented to the courts with written documentation; and the effectiveness, suitability and adequacy of the services provided and of placement decisions, including the progress of the child or children therein. The department's considerations of appropriate services and placement decisions shall be made in a timely manner in order to facilitate permanency planning for the child.

In all department proceedings that affect the child's past, current and future placements and status, when determining the best interests of the child, there shall be a presumption of competency that a child who has attained the age of 12 is able to offer statements on his own behalf and shall be provided with timely opportunities and access to offer such statements, which shall be considered by the department if the child is capable and willing. In all matters relative to the care and protection of a child, the ability, fitness and capacity of the child shall be considered in all department proceedings.

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For purposes of this section, the words "all department proceedings" shall include departmental hearings and proceedings but shall not include a court proceeding even when the department is a party.

SECTION 5. Paragraph C of the first paragraph of section 23 of said chapter 119, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The department may seek and shall accept on order of a probate court the responsibility for a child under 18 years of age who is without proper guardianship due to death, unavailability, incapacity or unfitness of the parent or guardian or on the consent of the parent or parents. Such responsibility shall include the right to: determine the child's abode, medical care and education; control visits to the child; give consent to enlistments, marriages and other contracts requiring parental consent and to consent to adoption only when it is expressly included in the order of the court. In making an order, the probate court shall consider the provisions of section 29C and shall make the written certification and determinations required by said section 29C. If a child is in the care of the department of mental health or the department of mental retardation, the responsibility enumerated above and all rights therein contained shall continue in the department. The department shall continue to have responsibility for a mentally retarded person, notwithstanding the fact that such person has reached the age of 18, if the department has accepted responsibility for such person prior to his reaching the age of 18 and such person has been declared to be legally incompetent. Responsibility shall continue in the department until such person shall be declared to be no longer legally incompetent.

SECTION 6. Said chapter 119 is hereby further amended by striking out section 24, as so appearing, and inserting in place thereof the following section:-

Section 24. The divisions of the juvenile court department, upon the petition under oath of a person alleging on behalf of a child under the age of 18 within the jurisdiction of the court that the child: (a) is without necessary and proper physical or educational care and discipline; (b) is growing up under conditions or circumstances damaging to the child's sound character development; (c) lacks proper attention of the parent, guardian with care and custody or custodian; or (d) has a parent, guardian or custodian who is unwilling, incompetent or unavailable to provide any such care, discipline or attention, may issue a precept to bring the child before the court, shall issue a notice to the department and summonses to both parents of the child to show cause why the child should not be committed to the custody of the department or that any other appropriate order should not be made. The summonses shall include notice that the court may dispense with the right of the parents to notice of or consent to the adoption, custody or guardianship or any other disposition of the child named therein if it finds that the child is in need of care and protection and that the best interests of the child would be served by any such disposition. Notice shall be by personal service upon the parent. If the identity or whereabouts of a parent is unknown, the petitioner shall cause notice in a form prescribed by the court to be served upon such parent by publication once in each of three successive weeks in any newspaper as the court may order.

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If, after reasonable search, no parent can be found, a summons shall be issued to the child's legal guardian, if any, known to reside within the commonwealth and, if none, to the person with whom such child last resided, if known. If, after a recitation under oath by the petitioner of the facts of the condition of the child who is the subject of the petition, the court is satisfied that there is reasonable cause to believe that the child is suffering from serious abuse or neglect or is in immediate danger of serious abuse or neglect and that immediate removal of the child is necessary to protect the child from serious abuse or neglect, the court may issue an emergency order transferring custody of the child to the department or to a licensed child care agency or individual described in clause (2) of the first paragraph of section 26. A transfer of custody shall be for a period not exceeding 72 hours except that upon the entry of the order, notice shall be given to either or both parents, guardian with care and custody or other custodian to appear before the court. The court shall, at that time, determine whether temporary custody shall continue until a hearing on the merits of the petition for care and protection is concluded before the court. The court shall also consider the provisions of section 29C and shall make the written certification and determinations required by said section 29C.

Upon the issuance of the precept and order of notice, the court shall appoint a person qualified under section 21 to make a report to the court under oath of an investigation into conditions affecting the child. The report shall then be attached to the petition and be a part of the record.

If a child who is the subject of a petition is alleged to be abandoned as defined in section 3 of chapter 210, hearings on the petition under section 26 shall be scheduled and heard on an expedited basis. Any child may be committed to the department under this section without a hearing or notice with the consent of the parents or guardian.

SECTION 7. Section 25 of said chapter 119, as so appearing, is hereby amended by adding the following paragraph:-

If the court commits a child to the custody of the department, the court shall consider the provisions of section 29C and shall make the written certification and determinations required by said section 29C.

SECTION 8. The second paragraph of section 26 of said chapter 119, as amended by section 1 of chapter 14 of the acts of 1998, is hereby further amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

If the court finds the allegations in the petition proved within the meaning of this chapter, it may adjudge that the child is in need of care and protection. In making such adjudication, the health and safety of the child shall be of paramount concern. If the child is adjudged to be in need of care and protection, the court may commit the child to the custody of the department until he becomes 18 years of age or until, in the opinion of the department, the object of his commitment has been accomplished, whichever occurs first, and the court shall consider the provisions of section 29C and shall make the written certification and determinations required by said section 29C and any other appropriate order with reference to the care and custody of the child as may be in his best interest including, but not limited to, any one or more of the following:-

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SECTION 9. Said second paragraph of said section 26 of said chapter 119 is hereby further amended by striking out clause (4), as amended by said section 1 of said chapter 14, and inserting in place thereof the following clause:-

(4) The department of social services shall file a petition or, in the alternative, a motion to amend a petition pending pursuant to this section, to dispense with parental consent to adoption, custody, guardianship or other disposition of the child under the following circumstances: (i) the child has been abandoned; (ii) the parent has been convicted by a court of competent jurisdiction of the murder or voluntary manslaughter of another child of such parent, of aiding, abetting, attempting, conspiring or soliciting to commit such murder or voluntary manslaughter or of an assault constituting a felony which resulted in serious bodily injury to the child or to another child of such parent; or (iii) the child has been in foster care in the custody of the state for 15 of the immediately preceding 22 months. For the purposes of this paragraph, a child shall be considered to have entered foster care on the earlier of: (a) the date of the first judicial finding, pursuant to section 24 or this section, that the child has been subjected to abuse or neglect; or (b) the date that is 60 days after the date on which the child is removed from the home. For the purposes of this section, "serious bodily injury" shall mean bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty. The department shall concurrently identify, recruit, process, and approve a qualified family for adoption.

The department need not file such a motion or petition to dispense with parental consent to the adoption, custody, guardianship or other disposition of the child if the child is being cared for by a relative or the department has documented in the case plan a compelling reason for determining that such a petition would not be in the best interests of the child or that the family of the child has not been provided, consistent with the time period in the case plan, such services as the department deems necessary for the safe return of the child to the child's home if reasonable efforts as set forth in section 29C are required to be made with respect to the child.

Notwithstanding the foregoing, the following circumstances shall constitute grounds for dispensing with the need for consent to adoption, custody, guardianship or other disposition of the child: (i) the child has been abandoned; (ii) the parent has been convicted by a court of competent jurisdiction of the murder or voluntary manslaughter of another child of such parent, of aiding, abetting, attempting, conspiring or soliciting to commit such murder or voluntary manslaughter or of an assault constituting a felony which resulted in serious bodily injury to the child or to another child of the parent.

SECTION 10. Said chapter 119 is hereby further amended by inserting after section 26 the following section:-

Section 26A. When deciding whether to approve or reject a registration of interest for foster care placement, the department shall conduct a review of any misdemeanor offense discovered through a criminal offender record information search conducted pursuant to section 172B of chapter 6 in order to assist the department in accurately evaluating whether

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the mere existence of the offense has a substantial effect on the applicant's current or future ability to assume and carry out the responsibilities of a foster parent in such a manner that the rights of the child to sound health and normal physical, mental, spiritual and moral development are insured. The review shall include, but not be limited to, a review of the following: the time that has elapsed between the date of the offense and the filing of the registration of interest, the seriousness and specific circumstances of the offense, the number and nature of other offenses, the age of the offender at the time of the offense, the findings and recommendations of the family resource worker assigned by the department to discuss the facts surrounding the misdemeanor with the applicant, the recommendations given to the family resource worker by personal or employment references chosen by the applicant or received otherwise, the current and future needs of the child to be placed and the probable effect that the misdemeanor would have on the applicant's ability to fulfill those needs, any reports or recommendations received by the department from the applicant's parole or probation officer should one have been assigned, a copy of the police report pertaining to the offense in question if obtainable within a reasonable period of time or discussions with a police officer familiar with the facts surrounding the offense and, unless inappropriate, discussions with the child to be placed regarding his current and past relationship with the applicant. Nothing in this section shall be construed to affect the discretion of the department to approve or reject the registration of interest for foster care placement.

SECTION 11. Section 27 of said chapter 119, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 17, the word "ten" and inserting in place thereof the following figure:- 30.

SECTION 12. Said chapter 119 is hereby further amended by striking out sections 29B and 29C, as so appearing, and inserting in place thereof the following three sections:-

Section 29B. Except as provided herein, within 12 months of the original commitment, grant of custody or transfer of responsibility of a child to the department by a court of competent jurisdiction, and not less frequently than every 12 months thereafter while the child remains in the care of the department, the committing court shall conduct a permanency hearing, in accordance with rules established by the chief justice for administration and management, to determine and periodically review thereafter the permanency plan for the child. The plan shall address whether and, if applicable, when: (1) the child will be returned to the parent; (2) the child will be placed for adoption and the steps the department shall take to free the child for adoption; (3) the child will be referred for legal guardianship; or (4) the child will be placed in another planned permanent living arrangement. The department shall file a permanency plan prior to a permanency hearing which shall address the above placement alternatives.

In the case of a child placed in foster care outside the commonwealth in which the home of the parents of the child is located, the permanency plan shall also address whether the out-of-state placement continues to be appropriate and in the best interest of the child. In the case of a child who has attained age 16, the permanency plan shall also address the services needed to assist the child in making the transition from foster care to independent living.

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Upon making its determination, the court may make any appropriate order as may be in the child's best interests including, but not limited to, orders with respect to the child's care or custody. At the same time, the court shall consider the provisions of section 29C, and shall make the written certification and determinations required by said section 29C. The health and safety of the child shall be of paramount, but not exclusive, concern.

The permanency hearing shall be held within 30 days of a hearing at which a court determines that reasonable efforts to preserve and reunify families are not required pursuant to section 29C. The court may, however, make such determination at the time of the permanency hearing.

If continuation of reasonable efforts to return the child safely to his parent or guardian are found to be inconsistent with the permanency plan for the child or if reasonable efforts are not required pursuant to the provisions set forth in section 29C, the department shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan. In subsequent permanency hearings held on behalf of the child, the court shall determine whether the department has made such efforts in accordance with section 29C.

A child, parent, guardian or the department may appeal to the appeals court from the determination or order of the trial court. The claim of appeal shall be filed in the office of the clerk or register of the trial court within 30 days following the court's determination or order. Thereafter, the appeal shall be governed by the Massachusetts Rules of Appellate Procedure. The scope of appellate review shall be limited to abuse of judicial discretion.

Section 29C. If a court of competent jurisdiction commits, grants custody or transfers responsibility for a child to the department or its agent, the court shall certify that the continuation of the child in his home is contrary to his best interests and shall determine whether the department or its agent, as appropriate, has made reasonable efforts prior to the placement of a child with the department to prevent or eliminate the need for removal from the home. Except as provided herein, if a court has previously committed, granted custody or transferred responsibility for a child to the department or its agent, the court shall determine not less than annually whether the department or its agent has made reasonable efforts to make it possible for the child to return safely to his parent or guardian. In making any determination, the health and safety of the child shall be of paramount concern.

Reasonable efforts by the department prior to removal of a child from the home or to return the child to a parent or guardian shall not be required if the court finds that: (1) the child has been abandoned as defined in section 3 of chapter 210; (2) the parent's consent to adoption of a sibling of the child was dispensed with under section 26 or under said section 3 of said chapter 210, or the parent's rights were involuntarily terminated in a case involving a sibling of the child; (3) the parent has been convicted of one of the following crimes by a court of competent jurisdiction: (a) murder or voluntary manslaughter of another child of the parent or aiding, abetting, attempting, conspiring or soliciting to commit such a murder or voluntary manslaughter; or (b) an assault constituting a felony which resulted in serious bodily injury to the child or another child of the parent; or (4) a parent has subjected the child

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to aggravated circumstances consisting of murder of another parent of the child in the presence of the child or by subjecting the child or other children in the home to sexual abuse or exploitation or severe or repetitive conduct of a physically or emotionally abusive nature. For the purposes of this section, conduct of an "emotionally abusive nature" shall mean any conduct causing an impairment to or disorder of the intellectual or psychological capacity of a child as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior. For the purposes of this section, "serious bodily injury" shall mean bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

If a court has determined at a permanency hearing convened pursuant to section 29B, that reasonable efforts to safely return the child to his parent or guardian are inconsistent with the permanency plan for the child or if a court has determined that reasonable efforts are not required as set forth herein, the court shall determine at least annually thereafter whether the department has made reasonable efforts to place the child in a timely manner in accordance with the permanency plan determined and reviewed under section 29B.

The court shall make the certification and determinations required under this section in written form, which shall include the basis for the certification and determinations. A determination by the court that reasonable efforts were not made shall not preclude the court from making any appropriate order conducive to the child's best interest.

Section 29D. The department shall provide notice of hearings held under sections 26, 29B and 39G to a foster parent, pre-adoptive parent or relative providing care for the child who is the subject of the petition and shall inform the foster parent, pre-adoptive parent or relative of his right to attend the hearing and to be heard. Nothing in this provision shall be construed to provide that such foster parent, pre-adoptive parent or relative shall be made a party to the proceeding.

SECTION 13. Section 32 of said chapter 119, as so appearing, is hereby amended by adding the following paragraph:-

A medically needy child who is in foster care, whether specialized or other type of care as provided by the department or its agents, may not be placed in another foster home or other placement without an individualized health care plan that is unique to the child's health care needs; provided, however, that in an emergency due to abuse or neglect, the child may be removed without a plan. The plan shall include, but not be limited to: a description of the specific health care needs of the child and specific treatment and services necessary to meet those needs; identification of health care agencies or personnel or other professionals who may conduct transitional training on the child's health care needs for the subsequent foster parents or other placement or the family to whom the child will return. The department shall also provide to the subsequent foster parents or other placement or to the family to whom the child will return information on health care resources available and health care and other personnel whose services are required by the child.

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SECTION 14. The first paragraph of section 39G of said chapter 119, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:-

(c) subject to the provisions of sections 32 and 33 and with such conditions and limitations as the court may recommend, commit the child to the department of social services. At the same time, the court shall consider the provisions of section 29C and shall make the written certification and determinations required by said section 29C. The department shall give due consideration to the recommendations of the court. The department may not refuse out-of-home placement of a child if the placement is recommended by the court provided that the court has made the written certification and determinations required by said section 29C. The department shall direct the type and length of such out-of-home placement. The department shall give due consideration to the requests of the child that the child be placed outside the home of a parent or guardian where there is a history of abuse and neglect in the home by the parent or guardian.

SECTION 15. Section 1 of chapter 210 of the General Laws, as so appearing, is hereby amended by inserting after the word "both", in line 9, the following words:- ; provided, however, that the prayer of the petition may be granted although the spouse of the petitioner is not a party to the petition if the court finds: (i) the failure of the spouse to join in the petition or to consent to the adoption is excused by reason of prolonged unexplained absence, legal separation, incapacity or circumstances constituting an unreasonable withholding of consent; (ii) the husband and wife are not in the process of an ongoing divorce; and (iii) the granting of the petition is in the best interests of the child.

SECTION 16. Said chapter 210 is hereby further amended by inserting after section 2A the following section:-

Section 2B. Every decree of adoption entered by the court shall include the words "This adoption is final and irrevocable."

SECTION 17. Said chapter 210 is hereby further amended by striking out section 3, as most recently amended by section 3 of chapter 14 of the acts of 1998, and inserting in place thereof the following section:-

Section 3. (a) Whenever a petition for adoption is filed by a person having the care or custody of a child, the consent of the persons named in section 2, other than that of the child, shall not be required if:- (i) the person to be adopted is 18 years of age or older; or (ii) the court hearing the petition finds that the allowance of the petition is in the best interests of the child pursuant to paragraph (c).

(b) The department of social services or a licensed child care agency may commence a proceeding, independent of a petition for adoption, in the probate court in Suffolk county or in any other county in which the department or agency maintains an office, to dispense with the need for consent of any person named in section 2 to adoption of the child in the care or custody of the department or agency. Notice of such proceeding shall be given to such person in a manner prescribed by the court. The court shall appoint counsel to represent the child in the proceeding unless the petition is not contested by any party. The court shall issue

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a decree dispensing with the need for consent or notice of any petition for adoption, custody, guardianship or other disposition of the child named therein, if it finds that the best interests of the child as provided in paragraph (c) will be served by the decree. Pending a hearing on the merits of a petition filed under this paragraph, temporary custody may be awarded to the petitioner. The entry of such decree shall have the effect of terminating the rights of a person named therein to receive notice of or to consent to any legal proceeding affecting the custody, guardianship, adoption or other disposition of the child named therein. The department shall provide notice of the hearing on the merits to any foster parent, pre-adoptive parent or relative providing care for the child informing the foster parent, pre-adoptive parent or relative of his right to attend the hearing and be heard. The provisions of this paragraph shall not be construed to require that a foster parent, pre-adoptive parent or relative be made a party to the proceeding.

The department of social services shall file a petition or, in the alternative, a motion to amend a petition pursuant to section 26 of chapter 119 to dispense with parental consent to adoption, custody, guardianship or other disposition of the child under the following circumstances: (i) the child has been abandoned; (ii) the parent has been convicted by a court of competent jurisdiction of the murder or voluntary manslaughter of another child of such parent, of aiding, abetting, attempting, conspiring or soliciting to commit such murder or voluntary manslaughter or of any assault constituting a felony which results in serious bodily injury to the child or to another child of the parent; or (iii) the child has been in foster care in the custody of the commonwealth for 15 of the immediately preceding 22 months. For the purposes of this paragraph, a child shall be considered to have entered foster care on the earlier of: (a) the date of the first judicial finding, pursuant to section 24 or section 26 of chapter 119, that the child has been subjected to abuse or neglect; or (b) the date that is 60 days after the date on which the child is removed from the home. For the purposes of this paragraph, "serious bodily injury" shall mean bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

The department shall concurrently identify, recruit, process and approve a qualified family for adoption.

The department need not file a motion or petition to dispense with parental consent to the adoption, custody, guardianship or other disposition of the child, or, where the child is the subject of a pending petition pursuant to section 26 of chapter 119, a motion to amend the petition to dispense with parental consent to the adoption, custody, guardianship or other disposition of the child, if the child is being cared for by a relative or the department has documented in the case plan a compelling reason for determining that such a petition would not be in the best interests of the child or that the family of the child has not been provided, consistent with the time period in the case plan, such services as the department deems necessary for the safe return of the child to the child's home if reasonable efforts as set forth in section 29C of said chapter 119 are required to be made with respect to the child.

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(c) In determining whether the best interests of the child will be served by granting a petition for adoption without requiring certain consent as permitted under paragraph (a), the court shall consider the ability, capacity, fitness and readiness of the child's parents or other person named in section 2 to assume parental responsibility and shall also consider the ability, capacity, fitness and readiness of the petitioners under said paragraph (a) to assume such responsibilities. In making the determination, the health and safety of the child shall be of paramount, but not exclusive, concern.

In determining whether the best interests of the child will be served by issuing a decree dispensing with the need for consent as permitted under paragraph (b), the court shall consider the ability, capacity, fitness and readiness of the child's parents or other person named in section 2 to assume parental responsibility, and shall also consider the plan proposed by the department or other agency initiating the petition. In making the determination, the health and safety of the child shall be of paramount, but not exclusive, concern.

In considering the fitness of the child's parent or other person named in section 2, the court shall consider, without limitation, the following factors:

- (i) the child has been abandoned;
- (ii) the child or another member of the immediate family of the child has been abused or neglected as a result of the acts or omissions of one or both parents, the parents were offered or received services intended to correct the circumstances which led to the abuse or neglect and refused, or were unable to utilize such services on a regular and consistent basis so that a substantial danger of abuse or neglect continues to exist, or have utilized such services on a regular and consistent basis without effectuating a substantial and material or permanent change in the circumstances which led to the abuse or neglect;
- (iii) a court of competent jurisdiction has transferred custody of the child from the child's parents to the department, the placement has lasted for a least six months and the parents have not maintained significant and meaningful contact with the child during the previous six months nor have they, on a regular and consistent basis, accepted or productively utilized services intended to correct the circumstances;
- (iv) the child is four years of age or older, a court of competent jurisdiction has transferred custody of the child from the child's parents to the department and custody has remained with the department for at least 12 of the immediately preceding 15 months and the child cannot be returned to the custody of the parents at the end of such 15-month period; provided, however, that the parents were offered or received services intended to correct the circumstances and refused or were unable to utilize such services on a regular and consistent basis;
- (v) the child is younger than four years of age, a court of competent jurisdiction has transferred custody of the child from the child's parents to the department and custody has remained with the department for at least 6 of the immediately preceding 12 months and the child cannot be returned to the custody of the parents at the end of such 12-month period; provided, however, that the parents were offered or received services intended to correct the circumstances and refused or were unable to utilize such services on a regular and consistent basis;

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(vi) the parent, without excuse, fails to provide proper care or custody for the child and there is a reasonable expectation that the parent will not be able to provide proper care or custody within a reasonable time considering the age of the child provided that the parents were offered or received services intended to correct the circumstances and refused or were unable to utilize such services on a regular and consistent basis;

(vii) because of the lengthy absence of the parent or the parent's inability to meet the needs of the child, the child has formed a strong, positive bond with his substitute caretaker, the bond has existed for a substantial portion of the child's life, the forced removal of the child from the caretaker would likely cause serious psychological harm to the child and the parent lacks the capacity to meet the special needs of the child upon removal;

(viii) a lack of effort by a parent or other person named in section 2 to remedy conditions which create a risk of harm due to abuse or neglect of the child;

(ix) severe or repetitive conduct of a physically, emotionally or sexually abusive or neglectful nature toward the child or toward another child in the home;

(x) the willful failure to visit the child where the child is not in the custody of the parent or other person named in section 2;

(xi) the willful failure to support the child where the child is not in the custody of the parent or other person named in section 2. Failure to support shall mean that the parent or other person has failed to make a material contribution to the child's care when the contribution has been requested by the department or ordered by the court;

(xii) a condition which is reasonably likely to continue for a prolonged, indeterminate period, such as alcohol or drug addiction, mental deficiency or mental illness, and the condition makes the parent or other person named in section 2 unlikely to provide minimally acceptable care of the child;

(xiii) the conviction of a parent or other person named in section 2 of a felony that the court finds is of such a nature that the child will be deprived of a stable home for a period of years. Incarceration in and of itself shall not be grounds for termination of parental rights; or

(xiv) whether or not there has been a prior pattern of parental neglect or misconduct or an assault constituting a felony which resulted in serious bodily injury to the child and a likelihood of future harm to the child based on such prior pattern or assault.

For the purposes of this section "abandoned" shall mean being left without any provision for support and without any person responsible to maintain care, custody and control because the whereabouts of the person responsible therefor is unknown and reasonable efforts to locate the person have been unsuccessful. A brief and temporary absence from the home without intent to abandon the child shall not constitute abandonment.

Hearings on petitions to dispense with consent to adoption that allege that a child has been abandoned shall be scheduled and heard on an expedited basis. Notwithstanding the foregoing, the following circumstances shall constitute grounds for dispensing with the need for consent to adoption, custody, guardianship or other disposition of the child: (i) the child has been abandoned; (ii) the parent has been convicted by a court of competent jurisdiction

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of the murder or voluntary manslaughter of another child of such parent, of aiding, abetting, attempting, conspiring or soliciting to commit such murder or voluntary manslaughter or of an assault constituting a felony which resulted in serious bodily injury to the child or to another child of the parent. For the purposes of this section, "serious bodily injury" shall mean bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

(d) Nothing in this section shall be construed to prohibit the petitioner and a birth parent from entering into an agreement for post-termination contact or communication. The court issuing the termination decree under this section shall have jurisdiction to resolve matters concerning the agreement. Such agreement shall become null and void upon the entry of an adoption or guardianship decree.

Notwithstanding the existence of any agreement for post-termination or post-adoption contact or communication, the decree entered under this section shall be final.

Nothing in this section shall be construed to prohibit a birth parent who has entered into a post-termination agreement from entering into an agreement for post-adoption contact or communication pursuant to section 6C once an adoptive family has been identified.

SECTION 18. Said chapter 210 is hereby further amended by inserting after section 3 the following section:-

Section 3B. When deciding whether to approve or reject a registration of interest for pre-adoptive or adoptive placement, the department shall conduct a review of any misdemeanor offense discovered through a criminal offender record information search conducted pursuant to section 172B of chapter 6 in order to assist the department in accurately evaluating whether the mere existence of the offense has a substantial effect on the applicant's current or future ability to assume and carry out the responsibilities of an adoptive or pre-adoptive parent in such a manner that the rights of the child to sound health and normal physical, mental, spiritual and moral development are insured. The review shall include, but need not be limited to, a review of the following: the time that has elapsed between the date of the offense and the filing of the registration of interest, the seriousness and specific circumstances of the offense, the number and nature of other offenses, the age of the offender at the time of the offense, the findings and recommendations of the family resource worker assigned by the department to discuss the facts surrounding the misdemeanor with the applicant, the recommendations given to the family resource worker by personal or employment references chosen by the applicant or received otherwise, the current and future needs of the child to be placed or adopted and the probable effect that the misdemeanor would have on the applicant's ability to fulfill those needs, any reports or recommendations received by the department from the applicant's parole or probation officer should one have been assigned, a copy of the police report pertaining to the offense in question if obtainable within a reasonable period of time or discussions with a police officer familiar with the facts surrounding the offense and, unless inappropriate, discussions with the child to be placed regarding his current and past relationship with the applicant. Nothing

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in this section shall be construed to affect the discretion of the department to approve or reject the registration of interest for adoptive or pre-adoptive placement.

SECTION 19. Said chapter 210 is hereby further amended by inserting after section 5D the following section:-

Section 5E. The department of social services shall submit a report detailing the number and nature, as defined by the department, of adoptions processed by the department during each calendar quarter to be filed with said department on or before January 30 of each year.

SECTION 20. Section 6 of said chapter 210, as appearing in the 1996 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-

Every decree of adoption entered by the court shall include the words "This adoption is final and irrevocable."

SECTION 21. Said chapter 210 is hereby further amended by inserting after section 6B the following three sections:-

Section 6C. (a) Prior to the entry of an adoption decree, prospective adoptive parents and a birth parent may enter into an agreement for post-adoption contact or communication between or among a minor to be adopted, the prospective adoptive parents and the birth parents. Such agreement may be approved by the court issuing the termination decree under section 3; provided, however, that an agreement under this section shall be finally approved by the court issuing the adoption decree. Any breach, modification or invalidation of the agreement, or any part of it, shall not affect the validity of the adoption. The adoption shall be final.

(b) The court shall approve an agreement for post-adoption contact or communication if the court finds that such agreement:

(i) is in the best interests of the child;

(ii) contains terms that are fair and reasonable; and

(iii) has been entered knowingly and voluntarily by all parties to the agreement. This requirement may be satisfied by an affidavit executed by all parties, either jointly or separately, that is filed with the court. The affidavit shall state that the agreement is entered into knowingly and voluntarily and is not the product of coercion or duress. The court may hear testimony from the parties to the agreement.

(c) To be approved by the court, an agreement for post-adoption contact or communication shall contain the following statements:

(i) This agreement is entered into pursuant to the provisions of section 6C of chapter 210 of the General Laws.

(ii) Any breach, modification or invalidation of the agreement or any part of it shall not affect the validity of the adoption. The adoption shall be final.

(iii) The parties acknowledge that either the birth or adoptive parents who have entered into the agreement have the right to seek enforcement as set forth in section 6D of chapter 210 of the General Laws.

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(iv) The parties have not relied on any representations other than those contained in this agreement.

The agreement shall be signed by the parties and acknowledged before a notary public as the free act and deed of the parties. If the child is above the age of 12, the agreement shall contain the written consent of the child. If the child is in the custody of the department of social services, the agreement shall contain the written approval of the department and the attorney for the child. If the child is in the custody of a licensed child care agency, the agreement shall contain the written approval of the agency.

(d) To be enforceable, an agreement for post-adoption contact or communication shall be: (i) in writing; (ii) approved by the court prior to the date for entry of the adoption decree; and (iii) incorporated but not merged into the adoption decree, and shall survive as an independent contract.

(e) An agreement under this section need not disclose the identity of the parties to be enforceable; but if an identity is not disclosed, the unidentified person shall designate an agent for the purpose of service of process.

(f) An agreement for post-adoption contact or communication shall cease to be enforceable on the date the adopted person turns 18 years of age.

Section 6D. A party to a court-approved agreement for post-adoption contact or communication may seek to enforce the agreement by commencing a civil action for specific performance. A court order for specific performance of the terms of a post-adoption contact agreement shall be the sole remedy for breach of an agreement.

In such proceedings, parties shall not be entitled to the appointment of counsel; provided, however, that the court may appoint a guardian ad litem to represent the interests of the child.

In an enforcement proceeding, the court may modify the terms of the agreement if the court finds that there has been a material and substantial change in circumstances and the modification is necessary in the best interests of the child. A court-imposed modification of a previously approved agreement may limit, restrict, condition or decrease contact between the birth parents and the child but in no event shall a court-imposed modification serve to expand, enlarge or increase the amount of contact between the birth parents and the child or place new obligations on adoptive parents.

If the court finds that an action brought under this section was wholly insubstantial, frivolous and not advanced in good faith in accordance with the provisions of section 6F of chapter 231, the court may award attorney's fees to all prevailing parties.

Nothing in the agreement shall preclude a party seeking to enforce an agreement for post-adoption contact or communication from utilizing child welfare mediation or permanency mediation before, or in addition to, the commencement of a civil action for specific enforcement. All proceedings conducted under this section shall be closed to the public and confidential and papers shall be segregated in accordance with section 5D.

Section 6E. Nothing contained in sections 6C and 6D shall be construed to abrogate the right of an adoptive parent to make decisions on behalf of his child.

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SECTION 22. Section 59 of chapter 218 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 11, the words "chapter one hundred and nineteen" and inserting in place thereof the following words:- chapters 119 and 210.

SECTION 23. Within one year after the effective date of this act, the secretary of health and human services, based on information from the department of social services and the department of public health, shall prepare and submit to the house and senate committees on ways and means a report which describes the extent and scope of the problems of substance abuse, mental illness and poverty as they pertain to the temporary or permanent placement of children within the care and custody of said department of social services in foster care, pre-adoptive and adoptive homes. The report shall include recommendations for legislation that may be necessary to improve coordination in providing such services to the biological parents of the children and an analysis of the outcomes resulting from the current provision of such services to the parents and the expected outcomes that would result from the adoption of any legislative recommendations.

SECTION 24. For the purpose of protecting the safety, health and welfare of the children of the commonwealth, the department of social services, in consultation with the executive office of public safety and appropriate state and federal agencies, shall develop a plan for conducting nationwide criminal offender record information checks to determine whether individuals currently providing foster and substitute care to children in the custody of the commonwealth and individuals applying to the department to become foster or adoptive parents have a criminal record in any jurisdiction outside the commonwealth.

The plan shall: (1) evaluate the feasibility and effectiveness of utilizing interagency agreements, interstate compacts or other agreements or criminal justice record linkages to provide such criminal offender record information; (2) set forth procedures, including proposed rules and regulations, for determining the circumstances under which criminal offender record checks shall be necessary and appropriate; and (3) determine the most cost-effective, efficient and effective manner of conducting criminal offender record checks for jurisdictions outside the commonwealth. The plan, including proposed legislation necessary to carry out the purposes of this section, shall be completed and filed with the house and senate committees on ways and means, the joint committee on the judiciary and the joint committee on human services and elderly affairs on or before May 31, 1999.

SECTION 25. The commissioner of child care services shall promulgate the rules and regulations required pursuant to section 2WW of chapter 29 of the General Laws not later than six months following the effective date of said section 2WW of said chapter 29.

SECTION 25A. The department of social services shall conduct a study on the feasibility and cost to the commonwealth of establishing a child welfare training and leadership institute to be operated with federal revenues collected pursuant to Title IV-E and Title XIX of the Social Security Act. Said department shall report to the general court the results of its study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the

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house of representatives who shall forward the same to the joint committee on the judiciary, the joint committee on human services and elderly affairs, and the house and senate committees on ways and means on or before October 1, 1999.

SECTION 26. The provisions of sections 1, 2, 10, 11, 13, 15, 16, 18, 19, 20 and 21 of this act shall take effect on July 1, 1999.

Approved March 31, 1999.

Chapter 4. AN ACT EXTENDING THE DATE FOR A SPECIAL ELECTION IN THE TOWN OF LONGMEADOW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Longmeadow is hereby authorized to hold a special election on April 6, 1999, pursuant to paragraph (m) of section 21C of chapter 59 of the General Laws, with respect to those projects voted on at a special town meeting held January 19, 1999.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1999.

Chapter 5. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF WALPOLE.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Walpole which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out Articles I to VIII, inclusive, and inserting in place thereof the following eight Articles:-

ARTICLE I.

Existence and Authority.

Section 1-1 Incorporation.

The inhabitants of the town of Walpole within the corporate limits as established by law, since 1724, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Walpole".

Section 1-2 Seal.

The official seal of the town of Walpole shall be designed as follows:

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Section 1-3 Short Title.

This instrument may be cited as the Walpole home rule charter.

Section 1-4 Powers.

It is the intent and the purpose of the voters of the town of Walpole through the adoption of this charter to secure for the town all of the powers possible to secure under the constitution and statutes of the commonwealth, as fully and as completely as though each power were specifically and individually enumerated herein.

(A) The general powers of the town are set forth in the General Laws.

(B) The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

Section 1-5 Construction.

The powers of the town under this charter shall be construed liberally in favor of the town and the specific mention of any particular powers is not intended to limit in any way the general powers of the town as stated in section 1-4.

ARTICLE II.

The Legislature.

Representative Town Meeting.

Section 2-1 Form and Power of Representative Town Meeting.

(A) There shall be a representative form of town meeting which shall exercise all power vested in the municipal corporation so far as it is consistent with the provisions of this charter.

(B) When acting in conformity with all laws now or hereafter applicable to the transaction of town affairs, the town shall have the power to act through and shall be bound by the action of the town meeting representatives who, when convened annually and specially, shall constitute the representative town meeting of Walpole.

(C) Actions of representative town meeting shall have the same effect as if they had been taken in a town meeting open to all voters of the town, as organized and conducted before the establishment of the representative town meeting.

Section 2-2 Composition of Representative Town Meeting.

(A) There shall be 150 elected town meeting representatives.

(B) Attendance records shall be kept of each town meeting and shall be made available at the town clerk's office. The town clerk shall cause the attendance records of the town meeting representatives to be published in the annual report of the town.

(C) The town clerk, town administrator, assistant town administrator, any member of the general court who is a registered voter of the town, and the chairpersons of the board of selectmen, board of assessors, personnel board, planning board, board of sewer and water commissioners, board of library trustees, housing authority and the school, capital budget and finance committees shall all be ex officio members at large of town meeting, but shall have no vote, unless already elected as town meeting representatives.

(D) It shall be the duty of the ex officio members at large and the head of each town department or their designees to attend that part of every representative town meeting at

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which matters pertaining to their areas, other than those acted upon or determined by ballot, are to be considered.

(E) Town meeting representatives shall receive no compensation for serving in that capacity.

(F) A town meeting representative shall be ineligible to vote on any issue on which he or she is declared to be in conflict of interest by town counsel in accordance with the General Laws.

(G) Any citizen of the town may speak at least once on any issue at town meeting, as provided for in the rules of town meeting, but he or she shall have no vote.

Section 2-3 Apportionment of the Representatives Among the Precincts.

(A) The number of elected town meeting representatives to which each precinct is entitled for the ensuing year shall be determined between February 1 and February 15 by the town clerk.

(B) The representatives shall be apportioned among the precincts, as nearly as possible, according to the following formula:

No. of inhabitants of that precinct = No. of representatives for that precinct

No. of inhabitants in the town 150

Section 2-4 Precincts.

(A) The board of selectmen shall divide the town into not less than five nor more than nine voting precincts. Each precinct shall contain not less than two thousand nor more than four thousand inhabitants.

(B) The precincts shall be plainly designated. All efforts shall be used to see that they are compact and contiguous and that they are bounded by center lines of highways and other well-defined limits.

Section 2-5 Redistricting of Precincts.

(A) The board of selectmen shall review the precincts in April every ten years beginning with the year 2002 for the purpose of determining whether their boundaries should be redrawn in whole or in part.

(B) The precincts shall also be reviewed in any other year when town meeting so votes, provided such vote is not held later than the first day of November.

(C) The selectmen shall, within ten days of completing their revisions, file a report of their action with a map and a description of the precincts and addresses of the registered voters in each precinct with the town clerk, the board of assessors and the registrars of voters.

(1) Such map, descriptions and lists shall be posted for one month in the town hall; and,

(2) Similar information shall be posted for one month in at least one public place in each precinct unless that information is published in a newspaper of general circulation in the town.

(3) The town clerk shall send written notice to each voter affected by the redistricting.

(4) The town clerk shall notify the secretary of the commonwealth of any revisions of the precincts.

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(D) The redistricting shall be effective upon the date of filing of the report of the board of selectmen with the town clerk.

(E) Election of town meeting representatives in a new or revised precinct.

(1) At the next annual town election following the establishment of a new precinct or the revision of any existing precinct, the full number of representatives apportioned to those precincts shall stand for election.

(2) The first third to the nearest whole number of town meeting representatives elected, in order of votes received, shall serve for three years, the second third to the nearest whole number shall serve for two years, and the remaining town meeting representatives for one year. In case of a tie vote affecting the division into thirds, the remaining town meeting representatives from that precinct shall determine the same by ballot.

Section 2-6 Nomination, Election and Term of Office.

(A) Any registered voter may be nominated to serve as town meeting representative from the precinct in which he or she is domiciled. To appear on the ballot, the nominee must file a nomination paper with the town clerk which:

(1) bears the signatures of no less than twenty-five registered voters from the nominee's precinct;

(2) bears the written acceptance of the nominee; and,

(3) bears no political designation.

(B) Special rights of incumbents.

(1) Incumbent town meeting representatives shall have the following rights:

(a) to forego the filing of nomination papers if they have filed a written statement of their intent to seek re-election with the town clerk twenty-one days prior to the last day for the filing of nomination papers for the office of town meeting representative. (See Article VII, Section 7-1, Computation of Time).

(b) to have the words "candidate for re-election" added to their names as they appear on the ballot.

(2) The term incumbent shall include those town meeting representatives who are required to stand for re-election because of a redistricting of the precincts of the creation of new precinct, provided that a portion of his/her original precinct is contained in the new precinct; but

(3) For the purposes of this paragraph, the term shall not be taken to include those persons who have been elected by town meeting representatives to fill a vacancy.

(C) Should an equal number of votes be received by two or more candidates and cause a tie for the purpose of deciding who shall be declared elected a town meeting representative, the remaining town meeting representatives of that precinct shall decide the issue by secret ballot, as in Section 2-5(E)(2).

(D) The town meeting representatives shall be elected in conformity with chapters 53 and 54 of the General Laws relative to elections, and the provisions of law relating to precinct voting at election shall apply to all elections and primaries in the town so far as such

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laws are not inconsistent herewith. The provisions of this article pertaining to the establishment of precincts shall not authorize any action contrary to the provisions of any law relative to the use of precincts in the formation of representative districts.

(E) Except as provided in Section 2-5(E)(2), the term of office for town meeting representatives shall be three years, so that approximately one-third of the membership shall be elected each year.

Section 2-7 Vacancies.

(A) Resignation and relocation:

(1) Town meeting representatives may resign by filing a written resignation with the town clerk, effective upon the date of filing.

(2) A representative who moves from the town shall cease forthwith to be a representative and must, within ten days, submit a written notice to the town clerk. A representative who moves from one precinct to another may serve only until the next annual town election.

(B) When a vacancy occurs in the full number of town meeting representatives from any precinct arising from any cause, other than the failure of the registered voters thereof to elect, said vacancy shall be filled until the next annual town election by the remaining town meeting representatives of the precinct in which the vacancy has arisen.

(1) The town clerk shall call a special meeting of the town meeting representatives of the precinct in which the vacancy exists. The town clerk shall also publish notice of such vacancy at least one week prior to filling that vacancy.

(2) The town clerk shall mail to every such representative, a notice specifying the object, time and place of the meeting, not less than five days before the time set for the meeting.

(3) At the said meeting, a majority of the representatives from such precinct shall constitute a quorum.

(4) The choice to fill the vacancy shall be by ballot and a majority of the votes cast shall be necessary for election.

(5) After receiving written acceptance from the successful candidate, the town clerk shall give public notice of his/her election.

Section 2-8 Moderator.

(A) The moderator shall be nominated and elected in the same manner as the other elected town officials at the annual town election.

(B) The term of office for moderator shall be for one year.

(C) The moderator shall preside over the town meetings, appoint members of the finance committee capital budget committee, permanent building maintenance advisory committee and personnel board and have those other powers and duties as may be given him or her by the General Laws, amendments to this charter, by-law, or vote of the town meeting.

(D) If the moderator is absent, the office of the town clerk shall have the power to call the meeting to order and act on a motion to adjourn or, if there is business to be transacted, the clerk shall have the power to preside until a moderator pro tempore is elected by the town

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meeting representatives, which election shall be held as the first order of business of the meeting at which the moderator is absent.

(E) The moderator pro tempore shall have no power to make appointments unless specifically authorized by vote of the town meeting.

Section 2-9 Committees of Town Meeting.

(A) The town meeting shall have the power to establish committees.

(B) Town meeting shall direct such a committee to report to the town meeting, the moderator, or to the board of selectmen, and shall determine the time, manner and method of reporting.

(C) Town meeting shall appoint the committees or give this power to the moderator or to the board of selectmen.

Among those committees shall be:

(D) Finance committee.

(1) The moderator shall appoint a committee of fifteen to serve as the finance committee.

(2) The moderator shall appoint five members each year for a term of three years, which expires on June 30. Should a vacancy occur, the committee chairman shall notify the moderator, who shall fill the vacancy for the unexpired term. The members of the committee shall receive no compensation for serving in that capacity.

(3) The finance committee shall have all the powers granted a committee of its nature by the General Laws and in this regard shall not be affected by paragraph (H) of this section.

(4) The finance committee shall be the advisory committee for town meeting on all subjects. For this reason, the finance committee may compel the appearance of any town official, employee or other persons, records or information which is reasonable and necessary for its deliberations.

(5) The finance committee shall include, with each report which the finance committee is required by town by-laws to distribute to each residence prior to the fall and spring annual town meetings, a schedule showing the following:

(i) the amount of any and all unexpended monies from articles approved by action of representative town meetings held in fiscal years ending prior to the year preceding the fiscal year in which the report is being sent; and

(ii) the date of such actions.

(E) Town meeting rules committee.

(1) At the first session of the annual town meeting, each precinct shall meet and select one of its members to serve on the town meeting rules committee.

(2) The town meeting rules committee shall consider any subject matter which deals with the manner in which town meeting conducts its business and submits its recommendations to town meeting.

(3) Changes in the rules of town meeting shall be effective upon a two-thirds vote of the town meeting.

(4) Copies of ratified changes in the rules of town meeting shall be mailed to all current town meeting representatives by the town clerk.

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(5) Should a vacancy occur, or should any precinct fail to select one of its members to serve on the town meeting rules committee, the moderator shall appoint a town meeting representative who shall be from that precinct, to fill out the unexpired term. Any member of the town meeting rules committee who ceases to be a town meeting representative shall be deemed to have resigned therefrom.

(F) Town by-laws committee.

(1) At the first session of the fall annual town meeting in the year in which this charter is adopted and at no more than five year intervals thereafter, each precinct shall meet and select one of its members to serve on the town by-laws committee.

(2) The town by-laws committee shall review the town by-laws and present its report, including any revisions or recodifications, to the next fall annual town meeting for reenactment. Subsequent to enactment by the town meeting, copies of the revised by-laws shall be published as required by the General Laws.

(3) Should a vacancy occur or should any precinct fail to select one of its members to serve on the town by-laws committee, the moderator shall appoint a town meeting representative, who shall be from that precinct, to fill out the unexpired term. Any member of the committee who ceases to be a town meeting representative shall be deemed to have resigned therefrom.

(4) The town by-laws committee shall be discharged upon dissolution of the fall annual town meeting at which its report is presented for action unless otherwise voted by the town meeting.

(5) Copies of the revised by-laws shall be made available for distribution; provided, however, that a charge not to exceed the actual cost per copy of reproduction may be charged.

(G) Capital budget committee.

(1) There shall be a capital budget committee consisting of seven members which are appointed, six of which shall be appointed by the moderator, and one designated from the finance committee for three year terms, so arranged that the terms of not more than three members shall expire each year.

(2) The capital budget committee shall review and make recommendations with respect to any proposed expenditure of town funds on capital projects to the town meeting, the finance committee and other town boards, departments, offices and committees.

(3) The various town boards, officers, and committees charged with the expenditures of town money shall, at a reasonable time before the end of each calendar year, prepare detailed estimates of the amounts deemed by them advisable for the town to expend for capital projects annually for a period up to six years or as determined by the capital budget committee, together with explanatory statements providing such additional information about each proposed capital project as reasonably may be requested by the capital budget committee.

(4) The capital budget committee shall duly consider the same and may confer with said town boards, officers and committees, and hold hearings, if they deem it advisable. The

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committee shall meet with the finance committee before preparing its final report. The committee shall make a report annually of the matters so considered by it with recommendations or suggestions relative thereto, and their said report shall be published and distributed, as part of the annual report of the finance committee.

(5) A capital project shall generally be considered a physical betterment or item of equipment having a substantial useful life (in excess of 5 years) the total cost of which exceeds \$5,000 or such other amount as may be specified from time to time in the town by-laws. A capital project shall be more specifically defined as a non-recurring expenditure financed in whole or in part by town funds or other sources of revenue available to the town for the construction, reconstruction, replacement, major repair, extension or other improvement of a public building, highway, sidewalk, storm drain, sewer, installation, vehicle equipment, bridge, playground, land, park or like, and public works or other facility, structure or utility appurtenant.

(H) Except for the finance committee (as provided in Paragraph (C)(3) in this section) and any other committee of the town meeting which is given such powers by the General Laws, no committee established by the town meeting shall have executive or legislative powers and all matters shall be determined by the town meeting.

Section 2-10 Date for Town Meeting, Notification, Quorum and Adjournment.

(A) The town meeting shall meet annually at 7:30 p.m. on the first Monday in May to consider and adopt an annual operating and capital budget, and to act on fiscal subjects or any pertinent matters. The meeting shall be continued on other days until all articles in the warrant shall have been acted upon; however, all business must be completed prior to the annual town election.

(B) The town meeting shall also meet annually at 7:30 p.m. on the third Monday in October to consider and act on matters of planning, zoning, subdivision control, building codes, and the adoption, amendment, or repeal of by-laws, as well as to consider and act upon such other business, including matters involving an appropriation of town funds, as may properly come before the meeting. The meeting shall be continued on other days until all articles in the warrant have been acted upon. In case of an emergency, the business of the meeting may be adjourned for no longer than two weeks.

(C) A special town meeting may be called by the board of selectmen, and/or by petition of 200 registered voters.

(D) A majority of the town meeting representatives shall constitute a quorum.

(E) The town clerk shall notify the town meeting representatives of the time and place at which the annual and any special town meetings are to be held.

(1) such notices to be sent by mail at least seven days in advance of the meeting; but

(2) no mailed notices of time and place of adjourned town meetings shall be required.

Section 2-11 Who Shall Act on the Various Warrant Articles.

(A) The articles in the warrant for any town meeting which relate to the election of a moderator, town officers, and town meeting representatives and to referenda and all matters to be acted upon and determined by ballot shall be acted upon and determined by the registered voters of the town.

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(B) Meetings of the registered voters of the several precincts for election and primaries and for voting upon a question to be submitted to the town, shall be held at the same time and at such place or places as the selectmen shall direct in the warrant for the meetings.

(C) All other articles shall be acted upon and determined exclusively by the town meeting representatives at a meeting held at a time and place specified by the selectmen in the warrant for such meetings subject to a referendum as herein provided.

Section 2-12 Copies of Labor Contracts.

The town meeting representatives and the board of selectmen shall be furnished with copies of all negotiated labor contracts and an explanation of any revisions therein, at least seven days prior to the town meeting at which said contract or contracts are to be funded and copies of same shall be filed with the office of town clerk.

Any changes in a negotiated labor contract made subsequent to its distribution to the town meeting representatives and prior to its funding may be submitted with explanation, but without the furnishing of a completely revised contract or contracts.

Section 2-13 Referendum.

(A) A referendum may be held on a vote of the town meeting which:

- (1) authorizes the expenditure of \$25,000 or more as a special appropriation;
- (2) establishes a new board or office;
- (3) abolishes an existing board or office;
- (4) merges two or more boards or offices;
- (5) fixes the term of office of town officers, where such term is left to local option;
- (6) changes the number of members of a board;
- (7) adopts a new by-law; and
- (8) changes or repeals an existing by-law.

(B) The votes mentioned in numbers 3-6 shall not be subject to referenda when adopted under chapter 43B of the General Laws, since a vote of the entire town is required thereon.

(C) A petition requesting a referendum must;

(1) State the question upon which the referendum is to be held;

(2) Be filed with the town clerk within ten days of the last session of the town meeting in which the vote was taken;

(3) Be signed by not less than fifty voters from each precinct, the aggregate number of those signing being not less than 4% of the voters of the town.

(D) The date and method for taking the vote on the referendum shall be as follows:

(1) The town clerk shall determine within five days whether the petition meets the requirements of paragraph (C) and report his/her findings to the selectmen.

(2) The selectmen shall, within five days of the receipt of the petition and a favorable report of the town clerk, set the date for the vote.

(3) Such vote shall be taken on any Saturday within forty-five days of the filing of the petition with the town clerk.

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(4) Each question submitted shall be placed on the official ballot in the following form:

"Shall the town vote to approve the action of the representative town meeting whereby it voted, (insert a brief description of the substance of the vote)?"

(5) The polls for voting upon such a question shall be opened no later than 8:00 a.m. and shall be closed no earlier than 8:00 p.m.

(6) The vote shall be taken by ballot and the checklist used in the several precincts in the same manner as for the election of the town officials.

(E) Effect of the vote.

(1) A question submitted to a referendum shall be determined by a majority of the registered voters of the town, voting thereon.

(2) However, an action of town meeting shall not be reversed unless 15% of the registered voters of the town shall vote to reverse.

(F) If no petition is received within the time limit of paragraph (C), the vote of town meeting shall then become operative and effective, except as provided by state statute.

ARTICLE III.

Elected Officials.

Section 3-1 General Provisions.

(A) Elective Offices. The offices to be filled by ballot of the whole town shall be a board of selectmen, a moderator, a school committee, four members of a housing authority, a planning board, a board of assessors, a board of sewer and water commissioners, a library board of trustees and such members of regional authorities or districts as may be established by statute, interlocal agreement or otherwise.

(B) Eligibility. Any registered voter of the town shall be eligible to hold any elective town office, but no elected town official shall simultaneously hold any other elected town office, except town meeting representative.

(C) Election. The regular election of all town officers and such other matters required by law to be determined by ballot shall be held annually on the first Saturday in June, and shall be called pursuant to a separate annual town meeting warrant.

Section 3-2 Board of Selectmen.

(A) Composition; Term of Office. There shall be a board of selectmen consisting of five members elected by vote of the registered voters of the town for three-year overlapping terms, so arranged that the terms of not more than two members shall expire each year.

(B) Powers and Duties.

(1) All executive authority of the town government shall be vested in a board of selectmen, hereinafter called selectmen. The selectmen shall have all the powers and duties conferred upon boards of selectmen under the Constitution and General Laws, as determined by the town by-laws and this charter. It shall be the responsibility of the selectmen to provide executive policy and procedure to be carried out by the town administrator. The selectmen shall require all offices and municipal agencies to administer and enforce the laws equally among the public to protect the general welfare and the selectmen may bring suit against any offices or municipal agency if necessary to carry out the rule of law.

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(2) Commissioners. The board of selectmen shall have all the powers and duties of police commissioners, fire commissioners, road commissioners, and cemetery commissioners.

(3) Power of Investigation. The selectmen may make investigations of the affairs of the town and the conduct of any town department office, or agency or employee of the town, whether elected or appointed, serving with pay or without pay, and any claims against the town, or require the town administrator and/or town counsel to make such an investigation. For this purpose, the investigatory authority may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of such investigation shall be placed on file in the office of the town clerk and/or published in the annual town report if the selectmen deem such publication necessary to protect the interest of the town. The selectmen may take appropriate legal action as a result of an investigation if they so deem it necessary to protect the interest of the town and the public.

(4) Powers of Appointment. The selectmen, by a majority vote, shall have power to appoint persons to town office, authorized or required by the General Laws, this charter, by by-law or by representative town meeting:

(a) For fixed terms unless otherwise governed by the General Laws:

constables, (after notice having been duly advertised for one month prior to said appointment), animal control officer, veteran's agent, civil defense director and, subject to the town by-laws, a town counsel.

(b) For indefinite terms:

town administrator, town clerk, chief of the police department, chief of the fire department and sealer of weights and measures.

(c) For fixed, overlapping terms, the members of the:

council on aging, board of appeals, permanent building committee, insurance advisory committee, permanent cable advisory committee, conservation commission, board of health, historical commission, economic development committee, recreation committee, street naming committee, sidewalk committee, town report committee, trust fund commissioners, registrars of voters and such other standing and/or ad hoc committees as may be constituted from time to time by vote of the board of selectmen.

(d) The chairperson of the board of selectmen, together with the chairperson of the school committee and the moderator shall appoint two members to the Tri-county regional vocational technical school committee as provided in 1-A of "AGREEMENT WITH RESPECT TO THE ESTABLISHMENT OF A TECHNICAL AND VOCATIONAL REGIONAL SCHOOL DISTRICT", dated February 28, 1973.

(5) Powers of Contract. Any contracts negotiated on behalf of the town shall be subject to the final approval of the board of selectmen, except for those contracts preempted by state statute.

(6) Powers to Rescind Appointments. The selectmen by a majority vote of board's full membership shall have the power to rescind for cause the appointment of any member of any board, commission, committee or individual office, except that of the town administrator,

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the chief of police and chief of fire department, made under the authority of this section, provided that the appointee shall first have been served with written notice stating the reasons for rescinding said appointment, and after conducting a hearing if requested by the appointee, as outlined in Article VII, section 7-7 of this charter.

(7) Licensing Authority. The selectmen shall be the licensing authority of the town and shall issue licenses and/or permits to properly regulate the activities of business in regard to public health, safety and well-being, except as otherwise provided by state law. The selectmen shall make all necessary rules and regulations regarding the issuance of licenses and permits and shall attach any conditions or restrictions thereto pertaining to the manner in which the business may be conducted and shall enforce the laws relating to business for which such licenses or permits are issued, except as otherwise provided by state law.

(8) Independent Audit. The board of selectmen shall provide for an independent audit of the accounts of the town as outlined in Article VI, section 6-9.

Section 3-3 Moderator.

Refer to Article II, section 2-8 of this charter.

Section 3-4 School Committee.

(A) Composition: Term of Office. There shall be a school committee consisting of seven members elected by vote of the registered voters of the town for three year overlapping terms, so arranged that the terms of not more than two members shall expire each year.

(B) Powers and Duties. The school committee, as guardians of public education, shall be cognizant of both the educational needs and the financial resources of the town. The school committee has general charge and superintendence of the public schools of the town. The school committee shall have all of the powers and duties given to school committees under the Constitution and General Laws and such additional powers and duties as may be authorized by this charter, by by-law, or by other vote of the representative town meeting.

The powers of the school committee shall include, but not be limited to:

(1) Appoint and fix the compensation of, and terminate, the superintendent who shall manage the schools in a fashion consistent with state law and policy determinations of the school committee.

(2) Review and approve budgets for public education.

(3) Establish educational goals consistent with the requirements of law and statewide goals and standards established by the board of education.

(4) Upon the recommendation of the superintendent, appoint one or more assistant superintendents, who shall report to the superintendent, and shall fix the compensation of such assistant superintendents.

(5) Review and approve the school improvement plan submitted by the school council for each of the public schools in the town.

(6) Make all reasonable rules and regulations, consistent with law, for the management of the public schools of the town and for conducting the business of the committee.

(7) Subject to the General Laws, the committee may determine the number of weeks and hours the schools will be in session and may regulate attendance.

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Section 3-5 Planning Board.

(A) Composition: Term of Office. There shall be a planning board consisting of five members elected by vote of the registered voters of the town, for three year overlapping terms of office, so arranged that the terms of not more than two members shall expire each year.

(B) Powers and duties.

(1) The planning board, for the purpose of protecting the safety and welfare of the inhabitants of the town, shall have the responsibility of regulating the laying out and construction of ways and subdivision of land within the town by the adoption of rules and regulations governing such developments, and insuring sanitary conditions in said subdivision.

(2) The board shall develop a master plan for the town, and update it at no less than ten year intervals.

(3) The town may adopt an official map, prepared by the board, showing the public ways as are presently existing and used by more than two owners.

(4) The board shall make recommendations to the town and the board of selectmen on all matters concerning the physical, economic and environmental development of the town.

The planning board shall have all of the powers and duties given to planning boards under the Constitution and General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other vote of the representative town meeting.

Section 3-6 Housing Authority.

(A) Composition: Term of Office. There shall be a Housing Authority to consist of five members serving five year overlapping terms such that the term of one member expires each year. Four of these members shall be elected by the registered voters of the town and the fifth member shall be a resident of the town appointed by the commissioner of community affairs of the commonwealth.

(B) Powers and duties.

(1) The Housing Authority makes studies of the housing needs of the town and provides such programs to make housing available for families of low income or for elderly persons of low income as it deems to be necessary and desirable.

(2) The authority has the power to bargain collectively with labor organizations representing its employees and has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the housing authority law.

The Housing Authority shall have all of the powers and duties given to housing authorities under the Constitution and General Laws, and such additional powers and duties as may be authorized by this charter, by by-law or by other vote of the representative town meeting.

Section 3-7 Board of Assessors.

(A) Composition: Term of Office. There shall be a board of assessors consisting of three members elected by vote of the registered voters of the town, for three year overlapping

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terms such that the term of office of at least one member expires each year. The board shall appoint an appraiser who will report directly to and be under the supervision of the board of assessors.

(B) Powers and duties.

(1) The assessors are charged with making a valuation of all the estates, real and personal, subject to taxation within the town. The assessors recommend to the board of selectmen the annual tax rate and decide on all questions relating to the abatement of taxes.

(2) The assessors must file a return with the commissioner showing the whole amount of exempted property entered on their valuation lists, and the amount of exempt property in each class of charitable organizations. As soon as the town tax rate is determined, the assessors must notify the accountant of the amount to be raised for state, county and town purposes, and for overlay, specifying the amounts to be levied on real and personal property, and the amounts to accrue from estimated receipts.

The board of assessors shall have all of the powers and duties given to assessors under the Constitution and General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other vote of the representative town meeting.

Section 3-8 Board of Sewer and Water Commissioners.

(A) Composition: Term of Office. There shall be a board of sewer and water commissioners consisting of five members elected by vote of the registered voters of the town for three year overlapping terms, so arranged that the terms of office of not more than two members shall expire each year.

(B) Powers and duties.

(1) The board of sewer and water commissioners shall have exclusive charge and control of the water department and water systems and pursuant thereto, may establish fountains and hydrants, may take by eminent domain or acquire by purchase or otherwise the waters or any portion thereof of any pond, brook, spring, stream, or ground water sources within the limits of the town for the purpose of establishing and/or maintaining a water supply system or a water distribution system; may hold all lands, rights of way and other easements necessary for collecting, storing, holding, purifying thereof and for conveying the same to any part of the town, provided that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be used without first obtaining the advice and approval of the department of public health; may regulate the use of the water and fix and collect just and equitable prices and rates; may cooperate or act jointly with any other city or town in the commonwealth in carrying out the powers and duties as herein set forth, and may make reasonable rules and regulations in connection with any of the duties and responsibilities hereinabove set forth.

(2) The board of sewer and water commissioners shall have the general responsibility for the installation and maintenance of the sewers, sewage treatment plants and appurtenances, and drains located in the town, and in connection with said responsibilities, shall have all of the powers reasonably necessary to effectuate same, and may from time to time adopt reasonable rules and regulations.

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The board of sewer and water commissioners shall have all the powers and duties given to sewer and water commissioners under the Constitution and General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other vote of the representative town meeting. The board of sewer and water commissioners shall assign all work and maintenance projects to the town administrator for performance as its agent.

Section 3-9 Library Board of Trustees.

(A) Composition: Term of Office. There shall be a board of library trustees consisting of five elected by vote of the registered voters of the town for three year overlapping terms, so arranged that the terms of office of not more than two members shall expire each year.

(B) Powers and duties.

(1) The board of library trustees shall have custody of the town library and branches thereof, and all property of the town related thereto. They shall be responsible for the administration and operation thereof, including staffing, acquisition of library materials and the promulgation of library rules and regulations.

(2) All monies raised or appropriated by the town for its support and maintenance shall be expended by the board and all money or property that the town may receive by gift or bequest to the library shall be administered by the board, in accordance with the provisions of such gift or bequest.

The library board of trustees shall have all of the powers and duties given to library trustees under the Constitution and General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other vote of the representative town meeting.

Section 3-10 Vacancies.

When a vacancy occurs, for any reason, in an elected office, the vacancy shall be filled in the following manner:

(A) In the office of selectmen, the remaining selectmen may call a special election to fill the vacancy and shall call such election upon the request in writing of two hundred registered voters of the town, or twenty per cent of the total number of registered voters of the town, whichever number is the lesser; provided that such request, is filed with such remaining selectmen not less than one hundred days prior to the date of the next annual election.

(B) If there is a vacancy on a board or committee consisting of two or more members, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who with remaining member or members of such board or committee shall after one week's notice, fill such vacancy by ballot. The selectmen shall fill such a vacancy if said board or committee fails to give said notice within the time limit herein specified. A majority of the ballots of the officers entitled to vote shall be necessary to such election. The person so elected shall be a registered voter of the town and shall perform the duties of the office until the next annual election.

ARTICLE IV.

Town Administrator.

Section 4-1 Appointment: Term of Office.

The board of selectmen, by an affirmative vote of the majority, shall appoint a town administrator either for an indefinite term or, if the board shall enter into a contractual agreement with the town administrator specifying a term of years as authorized by the General Laws, for the term of such contractual agreement, and shall in either case fix his/her compensation within limits of an appropriation for that purpose.

Unless otherwise provided by contractual agreement, the office of town administrator shall receive benefits and leave as provided for in the consolidated personnel by-laws.

The town administrator in office at the effective date of this charter shall be entitled to retain any accrued leave earned before said effective date.

Section 4-2 Qualifications.

The town administrator shall be appointed on the basis of his/her administrative and executive qualifications and experience. He or she shall be a person especially fitted by education, which shall consist of at least a Bachelor's Degree from an accredited degree-granting college or university, to perform the duties of town administrator and his/her professional experience shall include previous full-time, compensated service in public or business administration.

The town administrator need not be a resident of the town or the commonwealth at the time of his/her appointment, but must be domiciled within the town within twelve months following his/her appointment. The town administrator shall not have served in an elective office in the town government for at least twelve months prior to his/her appointment.

The town administrator shall devote full time to the office of the town administrator and shall not hold any other public elective appointive office or engage in any other business or occupation during his/her term, except with written permission of the board of selectmen. The town may, from time to time by by-law, establish such additional qualifications as seem necessary and appropriate.

Before entering upon the duties of the office the town administrator shall be sworn, in the presence of a majority of the board, to the faithful performance of his/her duty. The town administrator shall execute a bond in favor of the town for the faithful performance and with such sureties as may be fixed by the selectmen; the cost of said bond shall be borne by the town.

Any vacancy in the office of town administrator shall be filled as soon as possible by the selectmen, and meanwhile they shall appoint a suitable person as temporary town administrator to perform the duties necessary to maintain the administrative functions of the regular town administrator. Such temporary appointment may not exceed four months, but such temporary appointment may be further extended for one thirty day period.

Section 4-3 Powers and Duties.

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The town administrator shall be the chief administrative officer of the town, and shall be directly responsible to the board of selectmen for the administration of all town affairs placed in his/her charge by or under this charter or by by-law.

(A) The town administrator shall appoint, and may remove, for a term of not more than three years, the town accountant, and for indefinite terms, the finance director, inspector of buildings, director of the department of public works, tree warden, recreation director, animal inspector, town engineer, health agent, conservation agent, and all other department heads, officers, subordinates and employees for whom no other method of appointment is provided for in this charter, except persons serving under other elected agencies and appointments made by representatives of the commonwealth.

(B) The positions of town accountant, finance director, inspector of buildings, director of the department of public works, tree warden, recreation director, animal inspector, town engineer, health agent, and conservation agent, appointed by the town administrator; and the positions of plumbing inspector, wire inspector, and gas inspector, appointed by the inspector of buildings with the approval of the town administrator require the approval of the board of selectmen before any appointment or removal can become effective. Any such appointment made by the town administrator, and the removal of any person from any such office or position by him or her, shall become effective upon the fifteenth day following the day on which notice of the proposed appointment or removal is filed with the board of selectmen, unless the selectmen, by majority vote within said fifteen day period, reject or affirm such proposed appointment or removal. In the event the board of selectmen shall reject any such proposed appointment, the town administrator shall, as soon as practicable, appoint a different person to fill such position and shall not resubmit the name of the rejected appointee, except with the approval of a majority of the board of selectmen, but nothing herein contained shall be deemed to preclude the town administrator from removing any person from any office or position solely because a prior action of removal was rejected by the board of selectmen. Said fifteen day period may be extended for one additional fifteen day period by majority vote of the board of selectmen.

(C) The town administrator shall be entrusted with the administration of all personnel policies, practices and related matters for all municipal employees, including employees who report to elected or appointed town boards or committees, as established by the compensation plan, the personnel policy guide, by-law and all collective bargaining agreements entered into by the board of selectmen on behalf of the town. The town administrator shall fix the compensation of all town officers and employees appointed by him or her within the limits established by appropriations and the classification and compensation plan adopted by town meeting.

(D) Except as otherwise provided by this charter, civil service rules and procedures, collective bargaining agreements or the General Laws, the town administrator shall furnish ten working days advance written notice of the removal of any officer or employee to such person and provide that compensation for those days be paid.

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(E) The town administrator shall direct, supervise and be responsible for the efficient administration and enforcement, if necessary, of all functions under his/her control as may be authorized by the General Laws, this charter, by by-law or by other town meeting vote or by the board of selectmen, including all officers appointed by him or her and their respective departments.

(F) The town administrator shall attend all regular and special meetings of the board of selectmen, unless excused at his/her own request, and shall have a voice but no vote in all of its discussions.

(G) The town administrator shall attend all sessions of the town meeting and shall answer all questions directed to him or her relating to town affairs.

(H) The town administrator shall keep the board of selectmen fully informed regarding all departmental operations, fiscal affairs, general problems and administrative actions; and to this end, shall submit periodic reports to the board and make such recommendations as he or she deems necessary and expedient.

(I) The town administrator shall keep full and complete records of the finances and administrative activities of his/her office and keep the board of selectmen informed as to the financial condition and needs of his/her office. The town administrator shall render a full report to the selectmen at the end of each fiscal year.

(J) The town administrator shall have responsibility for materials, repairs and supervision of all town property, including school buildings and grounds and shall have full jurisdiction for the rental of all town facilities except schools.

(K) The town administrator may, without notice, cause the conduct of any officer or employee, or department, board or commission under his/her control, or the conduct of officers or employees thereof, to be examined. The town administrator may, with notice to the chairperson of any elected or appointed board or committee not under his/her control, investigate the conduct of any town employee who reports to or is under the supervision of said board or committee in order to carry out his/her duties under Section 4-3(C). The town administrator shall have access to all town books and papers for information necessary for the proper fulfillment of his/her duties.

(L) The town administrator shall negotiate and award contracts subject to the approval of the board of selectmen involving any subject within his/her jurisdiction, including all contracts relative to sewer and water projects. The said contracts shall be awarded in accordance with the General Laws, and shall be opened and recorded in the selectmen's hearing room in the presence of the selectmen's secretary or other designee of the selectmen.

(M) The town administrator shall be responsible for purchasing all supplies, materials, services and equipment and shall award all contracts for all departments, boards and agencies and activities of the town except school textbooks, software, compact discs and other educational materials and reading, listening, software and audiovisual materials to be used in the town library. The town administrator shall examine and inspect the quality, quantity and condition of materials, supplies, and equipment delivered to or received by any town agency secured through the purchasing procedure.

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(N) The town administrator may create, expand, consolidate or abolish all offices and agencies not specifically provided for by this charter, by statute, by by-law or by an administrative code, under procedures described in Article V, subject to the approval of the board of selectmen.

(O) The town administrator shall perform the duties of park commissioner and forest commissioner under the direction of the board of selectmen.

(P) The town administrator shall maintain full and complete personnel records for all town employees except school department employees and elected officials of the town.

(Q) The town administrator shall be responsible for all work and maintenance projects assigned to him or her by the board of sewer and water commissioners. The town administrator or his/her designee shall attend all regular and special meetings of the sewer and water commissioners, unless excused at his/her own request, and shall have a voice but no vote in all of its discussions.

Section 4-4 Appointments.

(A) The inspector of buildings shall appoint for an indefinite term, and may remove, subject to the approval of the town administrator and the board of selectmen, the plumbing inspector, the wire inspector and the gas inspector.

(B) The town administrator shall give notice of his/her approval of any such appointment or removal to the board of selectmen in the manner specified by Section 4-3(B) and such appointment or removal shall be governed by the provisions thereof.

(C) The town administrator, with the approval of the board of health, shall appoint for an indefinite term, and may remove, the health agent.

(D) The town administrator, with the approval of the conservation commission, shall appoint for an indefinite term, and may remove, the conservation agent.

(E) Upon approval by the board of health or conservation commission, the town administrator shall give notice of any such appointment or removal to the board of selectmen in the manner specified by Section 4-3(B) and such appointment or removal shall be governed by the provisions thereof.

Section 4-5 Removal.

The board of selectmen may remove the town administrator in accordance with the following procedures:

(A) The board of selectmen shall first adopt a preliminary resolution stating the reason or reasons for removal. Said resolution must be approved by an affirmative vote of four-fifths of all of the members of the board.

(B) Within five days after receipt of the preliminary resolution, the administrator may file, either personally or through counsel, a written request with the board for a hearing. This hearing shall be held at a meeting of the board not later than twenty days after the request is filed, nor earlier than ten days. The administrator may file a written statement with the board, provided that the same is received more than forty-eight hours in advance of the public hearing.

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(C) In the event that a public hearing is requested, the board of selectmen shall cause a suitable notice of it to be published in a newspaper of general circulation in the town, citing the purpose of the hearing, its location, time and date. The board shall also cause identical notices to be posted in the town hall. All notices shall be published not later than five days prior to the scheduled hearing.

(D) At any hearing so held, the board of selectmen shall cause the reason or reasons for suspending or removing the administrator to be read aloud. The administrator personally or through counsel, will be given adequate time to respond to the reason or reasons. Both parties shall have the right to summons witnesses, including the subpoena of records, reports and witnesses. Any witness so called shall be properly sworn in and any records introduced in evidence shall be examined by the town official having custody over such records as to the accuracy of any and all such records. Both the board and the administrator shall be permitted reasonable rebuttal to arguments and testimony advanced. The board and the administrator shall mutually agree to the appointment of an impartial hearing officer to preside. Should they be unable to agree, the town counsel shall so serve.

(E) The board may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of four-fifths of all its members.

(F) Failure to adopt a final resolution of removal within thirty days after the delivery of a copy of the preliminary resolution of removal to the administrator if he or she has not requested a public hearing or within fifteen days after the conclusion of said hearing if he or she has requested one, shall nullify the preliminary resolution of removal. The administrator shall continue to receive his/her salary until the effective date of a final resolution of removal. The action of the board on suspending or removing the administrator shall be final.

Section 4-6 Acting Town Administrator.

By letter filed with the town clerk and the board of selectmen, the administrator shall designate a qualified town administrative employee or officer to exercise the powers and perform the duties of administrator during his/her temporary absence; said appointment shall be made subject to the approval of the board of selectmen. If the administrator fails to make such appointment, if the person so appointed refuses to serve, or if the administrator has been suspended under the provision of section 4-5, the selectmen may appoint a suitable person to serve. The acting town administrator shall exercise only those powers and perform those duties necessary to maintain the administrative functions of the regular town administrator during his/her absence.

ARTICLE V.

Administrative Organization.

Section 5-1 Creation of Departments, Divisions, Agencies and Offices.

The organization of the town into operating departments, divisions, offices and agencies may be accomplished through either of the methods provided in this article.

(A) By-laws. Subject to state statute and the provisions of this charter, the representative town meeting may, by by-law, reorganize, consolidate, or abolish any town board, commission, committee, department, office or agency, in whole or in part, establish

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such new boards, commissions, committees, departments, offices or agencies as it deems necessary or advisable and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular department, office, agency, board or commission or committee may be discontinued, or unless this charter specifically so provides, assigned to any other.

(B) Administrative Code. The board of selectmen, after consulting with the town administrator, may from time to time prepare and submit to the representative town meeting, plans of organization or reorganization, which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Whenever the board of selectmen prepares such a plan, it shall hold one or more public hearings on the proposal giving notice by publication in a newspaper of general circulation in the town not less than five days in advance of said hearing, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held. Following such public hearing, the board of selectmen shall submit to the representative town meeting by a warrant article their proposal which may have been amended subsequent to the public hearing.

An organization or reorganization plan shall become effective at the expiration of three months, following the date the proposal is submitted by the board of selectmen unless the representative town meeting shall by a majority vote within that time vote to disapprove the plan. The town meeting may vote only to approve or disapprove the plan and may not vote to amend or alter it. The selectmen may, through the administrative code, and subject to state statute, this charter, and town by-law, reorganize, consolidate or abolish all town boards, departments, committees, commissions, or offices, in whole or in part; establish such new boards, departments, committees, commissions, or offices as they deem necessary; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one board, department, committee, commission or office to another; provided, however, that no function assigned by this charter or town by-law to a particular department, office, agency, board, commission or committee may be discontinued, or unless this charter specifically so provides, assigned to any other.

Section 5-2 Personnel Plan.

The personnel board, subject to the approval of the board of selectmen, shall establish job descriptions for all departments in the town of Walpole, except the school department. The personnel plan, as prepared by the personnel board, shall also be kept on file in the office of the town clerk.

Section 5-3 Publication of Administrative Code and Personnel Plan.

Up-to-date records of any reorganization plan in force under this article shall be kept on file in the office of the town clerk.

ARTICLE VI.

Finances and Fiscal Procedures.

Section 6-1 Fiscal Year.

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The fiscal year of the town shall be as required by the General Laws.

Section 6-2 Submission of Budget and Budget Message.

On or before the first Monday in February of each year, the town administrator and the school committee shall submit to the board of selectmen, and file with the finance committee, proposed budgets for the fiscal year. The town administrator's budget shall be accompanied by his/her budget message and supporting documents.

Section 6-3 Budget Message.

The message of the town administrator shall explain the budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the town administrator deems desirable, or as the selectmen may require.

Section 6-4 The Budget.

The budget shall provide a complete financial plan for all town funds and activities, including the budget adopted by the school committee for the ensuing year. Except as may be required by statute or by this charter, the school committee budget shall conform with the general format of the town administrator's budget which shall be in the form which the town administrator deems desirable or as the board of selectmen and the finance committee may require. In his/her presentation of the budget, the town administrator shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources, and all proposed expenditures including debt service for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

(A) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the method of financing such expenditures;

(B) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and

(C) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 6-5 Finance Committee Budget Hearings.

The finance committee shall hold one or more public hearings on the proposed budget not less than three days prior to the session of the town meeting at which it is to be submitted for adoption.

Section 6-6 Finance Public Records.

Warrant articles as adopted by the representative town meeting shall be made available at the office of the town clerk for examination by the public by the fifth day after

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their adoption. This provision shall not affect the availability of the annual town report, the town warrant or the report of the finance committee.

Section 6-7 Warrants for Payment of Town Funds.

Weekly warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of the General Laws shall be submitted to the board of selectmen. The approval of such warrants by the board of selectmen shall authorize payment with town funds. Warrants for the payment of school department vouchers and payroll shall also require the signatures of the majority of the school committee members.

Section 6-8 Financial Statements.

The town accountant shall prepare and file all annual and other financial statements or reports as prescribed by state statute, and promptly, each month and annually, shall submit to the board of selectmen and finance committee, financial statements for all funds consisting of, but not limited to, a balance sheet, statement of estimated and actual revenues, statements of estimated and actual expenditures, statements of cash receipts, disbursements and balances, forecast of cash position and statement of changes in fund balances. The financial statements shall be prepared so as to provide a full disclosure of financial position and operating results in accordance with generally accepted accounting principles applicable to the town and shall include, but not be limited to, balanced fund groups for the General Fund, debt service funds, trust and agency funds, and special assessment funds.

Section 6-9 Audit of Town Accounts.

(A) The board of selectmen shall engage annually a certified public accountant or firm of accountants to audit all accounts of the town. Such accountants shall have no personal interest in the fiscal affairs of the town government or any of its officers.

(B) The selectmen may order a complete or partial audit of the town accounts at any other time they deem it necessary, or when requested by 3% of the registered voters.

(C) A copy of every auditor's report shall be filed with the town clerk, shall be a public record, and a summary thereof shall be published in the next annual town report.

Section 6-10 Finance Director.

The finance director shall have and exercise all powers and duties of the town treasurer and tax collector as defined under the Constitution and General Laws. The finance director shall ensure compliance with all appropriate statutes and be responsible for overall management of the town's investment portfolio. In addition, the finance director shall effect collection of all accounts due town, direct the town's financial operations, including the duties of town accountant, assist the town administrator in the preparation of the annual budget, and report periodically on the financial status of the town to the board of selectmen.

ARTICLE VII.

General Provisions.

Section 7-1 Computation of Time.

Unless otherwise provided, in computing time periods relating to elections, Sundays and holidays shall generally be included; but when the last day of such period falls on a Sunday or on a holiday, the following day shall be considered the final day of such period;

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and when the first day of such period falls on a Sunday or on a holiday, the day preceding shall be considered the first day of the period.

Section 7-2 Charter Changes.

This charter may be replaced, revised, or amended in accordance with the procedures made available by the State Constitution and chapter 43B of the General Laws.

Section 7-3 Severability.

The provisions of this charter are severable. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 7-4 Specific Provisions Shall Prevail.

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 7-5 Public Records.

A copy of all rules, regulations and meeting minutes adopted by boards, commissions, departments, agencies or officers of the town, who do not employ full-time secretaries, shall be filed in the office of the town clerk and made available for review by any person who requests such information; otherwise, said information shall be available at the respective offices.

Section 7-6 Recall of Elective Officers.

Any elected officer of the town who has held the office for not less than three months and has not less than one month remaining in his/her term, may be recalled and removed from office by vote of the town.

(1) The three months shall begin when the officer originally assumes the office and shall not be repeated upon any consecutive re-election.

(2) The provisions of paragraph (1) shall apply only to one who holds the same office continuously.

(A) Petitions.

(1) The town clerk shall keep petitions for recall with his/her signature and the town seal available in his/her office.

(2) A petition for recall election of a town meeting representative containing the representative's name and office together with the grounds for recall and the signatures of 10% of the voters of the precinct he or she represents shall be filed with the town clerk.

(3) A petition for the recall election of any other officer containing the officer's name and office, together with the grounds for the recall and the signatures of 10% of the voters in the town with at least one hundred voters from each precinct, shall be filed with the town clerk.

(B) Validating the petition and setting the date for the recall election.

(1) The town clerk shall determine the validity of the petition and the signatures, and make a report to the selectmen within seven days of the receipt of the petition.

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(2) Upon the favorable report of the town clerk, the selectmen shall set the date and call for a recall election.

(3) That election shall be held on a Saturday, no sooner than three weeks from the date of the town clerk's report and no later than five weeks from the date of the town clerk's report; but

(4) Should there be a scheduled election within two months of the town clerk's report, the recall question may be submitted to that election.

(5) If the officer whose recall is sought should submit his/her resignation before the opening of the polls at which the recall question is to be submitted, the election shall be canceled.

(6) The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elected officer whose recall is sought) be recalled?" A majority vote of the voters to recall such elective officer will determine the question. Recall of such elective officer shall become effective upon certification of the results of the voting therein, regardless of any defect in the recall petition. If any elective officer shall be recalled, the vacancy created thereby shall be filled in accordance with the provisions of this charter and of General Law.

(7) No person having been recalled or having resigned from office while recall proceedings were pending against him or her shall be appointed to any town office or board within two years following said recall or resignation.

Section 7-7 Removals and Suspension.

Any appointed officer or employee of the town, not subject to the provisions of the state civil service law, not otherwise subject to a collective bargaining contract with the town, whether appointed for a fixed or an indefinite term and who has completed his or her probationary period as that term is defined in the personnel by-laws, may be suspended or removed from office by the appointing authority for good cause. The term good cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer or employee of the town may be suspended from office by the appointing authority if such action is deemed by them to be necessary to protect the interests of the inhabitants of the town. However, no suspension shall be for more than fifteen days.

Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer or employee shall act in accordance with the following procedure:

(A) A written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered by registered mail to the last known address of the person sought to be removed.

(B) Within five days of delivery of such notice, the officer or employee may request a public hearing at which he or she may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witnesses appearing at the hearing.

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(C) Between one and ten days after the public hearing is adjourned, or if the officer or employee fails to request a public hearing, between six and fifteen days after delivery of the notice of the intent to remove, the appointing authority shall take final action, either removing the officer or employee or notifying him or her that the notice is rescinded.

Any such officer or employee shall continue to receive his/her salary until removed from office.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when his/her original term expires.

Section 7-8 Chiefs of Police and Fire Departments.

The provisions of section 7-7 shall not apply to the positions of chief of police and chief of fire departments. The removal or suspension of either or both chiefs shall be administered in accordance with the procedures set forth in Article IV, section 5 of this charter. Neither chief shall be subject to the civil service law and rules. The personnel board shall establish job classifications for the positions of chief of police and chief of fire departments.

ARTICLE VIII.

Transitional Provisions.

Section 8-1 Continuation of Existing Laws.

All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when this charter takes effect and which are not inconsistent with the provisions of this charter shall continue in full force and effect until amended or rescinded by due course of law or expire by law limitation.

Section 8-2 Continuation of Government.

Except as otherwise provided in section 8-7, Terms of Office, all committees, commissions, boards, departments, officers and other agencies of the town shall continue to perform their duties until reappointed, re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

Section 8-3 Continuation of Administrative Personnel.

Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform his/her duties until provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the town, shall forfeit his/her pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

Section 8-4 Transfer of Records and Property.

All records, property and equipment whatsoever of any office, department or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office, department or agency, shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.

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Section 8-5 Continuance of Contracts and Other Obligations.

All leases, contracts, franchises, and obligations entered into by the town or for its benefit, prior to the effective date of this charter shall continue in full force and effect.

Section 8-6 Pending Actions and Proceedings.

No action or proceeding, civil or criminal, in law or in equity, pending at the time when this charter is to take effect, brought by or against the town or any office, department or other agency thereof, shall be affected or abated by the adoption of this charter.

Section 8-7 Terms of Office.

(A) At the annual town election held in the year following the year in which this charter is adopted, the terms of office of all incumbent members of the board of library trustees shall be terminated. At the said election, five members shall be elected as a board of library trustees: the two candidates receiving the highest number of votes for the office shall serve for a term of three years, the two candidates who receive the next highest number of votes shall serve for a term of two years and the fifth candidate elected shall serve for a term of one year term.

(B) The terms of all other elected officials, whether elected at the election at which this charter is adopted or serving the balance of terms of which they were elected in prior elections, shall continue to serve the full term for which they were elected.

(C) Except in the case of the representatives of the finance committee the terms of office of the members of the capital budget committee shall continue to their normal expiration at which time the moderator shall appoint a successor (who may be the incumbent) in the manner provided and for a term consistent with the provisions of Article II, Section 2-9(G)(1). The finance committee and planning board representatives on the capital budget committee at the time this charter is adopted shall thenceforth cease to be members of the capital budget committee unless appointed by the moderator in accordance with Article II, Section 2-9(G)(1).

(D) The terms of office of all members of the by-law committee appointed by the board of selectmen shall be terminated on the same date, fixed by the board of selectmen, not more than ninety days following the date on which this charter is adopted.

(E) The provisions of Article IV, section 4-1, making the office of the town administrator subject to the consolidated personnel of the town shall not be applicable with respect to vacation days and other benefits accrued to the current holder of that office through the date of said election.

SECTION 2. Chapter 377 of the acts of 1924, chapter 313 of the acts of 1953, chapter 549 of the acts of 1956, chapter 596 of the acts of 1967 and chapter 709 of the acts of 1969 are hereby repealed.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Walpole at an annual town election in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election: "Shall an act passed by the general court in the year 1999 entitled 'An Act Relative to the Charter of the Town of Walpole' be accepted?"

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If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

SECTION 4. Section 3 of this act shall take effect upon its passage.

Approved April 1, 1999.

Chapter 6. AN ACT MAKING CERTAIN TECHNICAL CHANGES TO THE LAW RELATIVE TO ADOPTION AND PROMOTING THE WELFARE OF CHILDREN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to expedite the adoption process and promote the welfare of the children of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 26 of chapter 119 of the General Laws is hereby amended by striking out clause (4), as most recently amended by section 9 of chapter 3 of the acts of 1999, and inserting in place thereof the following clause:-

(4) It may enter an order to dispense with the need for consent of any person named in section 2 of chapter 210, to the adoption, custody, guardianship or other disposition of the child named therein, upon a finding that the child is in need of care and protection pursuant to this section and that the best interests of the child will be served by such an order. In determining whether such an order should be made, the standards set forth in section 3 of said chapter 210 concerning an order to dispense with the need for consent to adoption of a child shall be applied. If the child who is the subject of the petition is under the age of 12, and if the court adjudicates the child to be in need of care and protection in accordance with this section, the court shall enter an order dispensing with the need for consent to adoption upon finding that the best interests of the child, as defined in paragraph (c) of said section 3 of said chapter 210, will be served thereby. The entry of such an order shall have the effect of terminating the rights of a person named therein to receive notice consent to any legal proceeding affecting the custody, guardianship, adoption or other disposition of the child named therein.

The department of social services shall file a petition or, in the alternative, a motion to amend a petition pending pursuant to this section, to dispense with parental consent to adoption, custody, guardianship or other disposition of the child under the following circumstances: (i) the child has been abandoned; (ii) the parent has been convicted by a court of competent jurisdiction of the murder or voluntary manslaughter of another child of such parent, of aiding, abetting, attempting, conspiring or soliciting to commit such murder or voluntary manslaughter or of an assault constituting a felony which resulted in serious bodily

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injury to the child or to another child of such parent; or (iii) the child has been in foster care in the custody of the state for 15 of the immediately preceding 22 months. For the purposes of this paragraph, a child shall be considered to have entered foster care on the earlier of: (a) the date of the first judicial finding, pursuant to section 24 or this section, that the child has been subjected to abuse or neglect; or (b) the date that is 60 days after the date on which the child is removed from the home. For the purposes of this section, "serious bodily injury" shall mean bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty. The department shall concurrently identify, recruit, process, and approve a qualified family for adoption.

The department need not file such a motion or petition to dispense with parental consent to the adoption, custody, guardianship or other disposition of the child if the child is being cared for by a relative or the department has documented in the case plan a compelling reason for determining that such a petition would not be in the best interests of the child or that the family of the child has not been provided, consistent with the time period in the case plan, such services as the department deems necessary for the safe return of the child to the child's home if reasonable efforts as set forth in section 29C are required to be made with respect to the child.

Notwithstanding the foregoing, the following circumstances shall constitute grounds for dispensing with the need for consent to adoption, custody, guardianship or other disposition of the child: (i) the child has been abandoned; (ii) the parent has been convicted by a court of competent jurisdiction of the murder or voluntary manslaughter of another child of such parent, of aiding, abetting, attempting, conspiring or soliciting to commit such murder or voluntary manslaughter or of an assault constituting a felony which resulted in serious bodily injury to the child or to another child of the parent.

SECTION 2. The second paragraph of section 29B of said chapter 119, as appearing in section 12 of said chapter 3, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In the case of a child placed in foster care outside the state in which the home of the parents of the child is located, the permanency plan shall also address whether the out-of-state placement continues to be appropriate and in the best interests of the child.

SECTION 3. Paragraph (b) of section 3 of chapter 210 of the General Laws, as appearing in section 17 of said chapter 3, is hereby amended by inserting after the first paragraph the following two paragraphs:-

A petition brought pursuant to this paragraph may be filed and a decree entered notwithstanding the pendency of a petition brought under chapter 119 or chapter 201 regarding the same child. The chief justice for administration and management of the trial court may, pursuant to the provisions of section 9 of chapter 211B, assign a justice from any department of the trial court to sit as a justice in any other department or departments of the trial court and hear simultaneously a petition filed under this paragraph and any other pending case or cases involving custody or adoption of the same child. A temporary or permanent custody decree shall not be a requirement to the filing of such petition.

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A juvenile court or a district court shall enter a decree dispensing with the need for consent of any person named in section 2 to the adoption of a child named in a petition filed pursuant to section 24 of chapter 119 in such court upon a finding that such child is in need of care and protection pursuant to section 26 of said chapter 119 and that the best interests of the child as defined in paragraph (c) will be served by such decree. The entry of such decree shall have the effect terminating the rights of a person named therein to receive notice of or to consent to any legal proceeding affecting the custody, guardianship, adoption or other disposition of the child named therein. Facts may be set either in the care and protection petition filed pursuant to said section 24 of said chapter 119 or upon a motion made in the course of a care and protection proceeding, alleging that allowance of the petition or motion is in the best interests of the child.

SECTION 4. The third paragraph of paragraph (c) of said section 3 of said chapter 210, as so appearing, is hereby amended by striking out clause (iii) and inserting in place thereof the following clause:-

(iii) a court of competent jurisdiction has transferred custody of the child from the child's parents to the department, the placement has lasted for at least six months and the parents have not maintained significant and meaningful contact with the child during the previous six months nor have they, on a regular and consistent basis, accepted or productively utilized services intended to correct the circumstances;.

SECTION 5. This act shall take effect as of March 31, 1999.

Approved April 1, 1999.

Chapter 7. AN ACT ALLOWING CERTAIN MUNICIPAL EMPLOYEES TO SERVE AS CITY COUNCILLORS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith certain municipal employees to serve as city councillors, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 6A of chapter 39 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 8, the words "town council in a municipality" and inserting in place thereof the following words:- city or town council in a municipality with a city or.

SECTION 2. Section 17A of chapter 43 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "town council in a municipality with a" and inserting in place thereof the following words:- city or town council in a municipality with a city or.

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SECTION 3. Section 20 of chapter 268A of the General Laws, as so appearing, is hereby amended by inserting after the word "a", in line 82, the second time it appears, the following words:- city or.

Approved April 7, 1999.

Chapter 8. AN ACT AUTHORIZING CONSIDERATION OF A CERTAIN BALLOT QUESTION AT THE APRIL 26, 1999 ANNUAL ELECTION IN THE TOWN OF ASHBY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of clause (3) of paragraph (m) of section 21C of chapter 59 of the General Laws or any other general or special law to the contrary, the town of Ashby may place on the official ballot at the annua election to be held on April 26, 1999, the referendum question respecting the project voted on at the special town meeting held on March 10, 1999. Said referendum question shall be subject to all other provisions of said paragraph (m).

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1999.

Chapter 9. AN ACT AUTHORIZING THE ROCKLAND SEWER COMMISSION TO ENTER INTO A CONTRACT FOR THE DISPOSAL OF SEWAGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter 338 of the acts of 1913, or any other general or special law to the contrary, the Rockland sewer commission is hereby authorized to enter into an agreement for the disposal of sewage emanating from a certain parcel of land in the town of Norwell, as identified in a deed dated February 28, 1992, recorded at the Plymouth county registry of deeds in book 10787, page 177, and known and numbered as 141 Longwater Drive in said town, which parcel is hereinafter referred to as "the property".

SECTION 2. Said agreement may allow for the use of the system of sewer mains, or any portion thereof, belonging to the town of Rockland. The agreement may be entered into at a time, on such terms and conditions as herein stated or as deemed to be in the best interests of said town as determined by the Rockland sewer commission.

SECTION 3. The owner of the property shall pay all or a portion of the costs, charges, and fees arising from or incidental to the use of the mains, pump stations, treatment

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works and other facilities and services provided by the town of Rockland, including:

(a) all planning, engineering, procurement, construction costs, and fees for the design, redesign or upgrading of the mains, pump stations and facilities of the Rockland sewer system that may be necessary to carry sewage flow from the property;

(b) all planning, engineering, procurement and facilities of any kind for the design and construction of the particular drains and mains laid from the property to the mains in said town;

(c) obtaining all easements or other rights in land and all necessary permits and approvals required for laying of the drains and mains to transport waste water from the property to the mains of said sewer system and maintaining the same for the term of the connection agreement;

(d) all legal, engineering or other costs and fees incurred by said sewer commission or said town in connection with or arising out of the preparation of said agreement, including the negotiation thereof, and for the preparation for, connection with, and operation of the connection to the property to said sewer system;

(e) all periodic user fees for the operation of the connection and treatment of sewage provided pursuant to the agreement contemplated in this act, as determined from time to time by said sewer commission.

Approved April 14, 1999.

Chapter 10. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 1999 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 1999 and for certain other activities and projects in said fiscal year, the sum set forth in section 2A is hereby appropriated from the general fund for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 1999.

NO SECTION 2.

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-3834 For a reserve for projects to correct the date-handling logic problems, so-called, in critical commonwealth computing systems in order to sustain uninterrupted operations through the year 2000 and beyond; provided, that upon approval of the secre-

ry of administration and finance, funds appropriated herein may be transferred to other items of appropriation and allocations thereof for such projects; provided further, that said secretary shall file a quarterly report with the house and senate committees on ways and means delineating, by agency and project, the amounts which have been expended or transferred here from, the status of the projects, anticipated completion dates of the projects and estimates of any additional funds necessary for the completion of the projects; provided further, that no funds shall be appropriated or allocated from this item until the chief information officer files with the house and senate committees on ways and means a report which shall include, but not be limited to, the following: (a) a delineation, by agency and project, of the specific date-handling logic problems to be remediated by the expenditure of these funds; (b) a delineation of each agency's date-handling logic problem remediation efforts undertaken prior to receipt of these funds, including the number of units remediated by software upgrades or patches, so-called, BIOS updates, so-called, or by hardware upgrades; (c) an explanation of the criteria developed by the chief information officer for the proposed distribution of the funds appropriated herein, including the chief information officer's assessment of whether the funds appropriated herein shall be used for the replacement of existing noncompliant systems or for the initial purchase of new systems; (d) an account, by agency and project, of the number, type and systems specifications of personal computers, printers, facsimile machines, phone systems or other peripherals, so-called, to be purchased for each project and a description of how the purchases remediate the date-handling logic problems; (e) detailing, by agency and project, the number, type and systems specifications of personal computers, printers, facsimile machines, phone systems or other peripherals, so-called, to be replaced for each project; and (f) detailing, for each project proposed to be funded herein, the projected impact on the service delivery or quotidian operations resulting from failure to remediate the date-handling logic problems; and provided further, that the funds appropriated herein shall be available for expenditure until June 30, 2000 \$20,000,000

SECTION 3. This act shall take effect upon its passage.
Approved April 15, 1999.

Chapter 11. AN ACT RELATIVE TO THE TRUSTEES OF THE UNIVERSITY OF MASSACHUSETTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for determining the term of the chair of the trustees of the University of Massachusetts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The fourth paragraph of section 1A of chapter 75 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The board of trustees shall determine the term of the chair in the rules and regulations under section 3.

Approved April 15, 1999.

Chapter 12. AN ACT RELATIVE TO THE ONSET FIRE DISTRICT.

Be it enacted, etc., as follows:

Section 7 of chapter 408 of the acts of 1924 is hereby amended by adding the following paragraph:-

The said district at an annual district meeting shall elect a clerk-treasurer of said district for a term of three years.

Approved May 3, 1999.

Chapter 13. AN ACT AUTHORIZING THE MASSACHUSETTS WATER RESOURCES AUTHORITY TO SUPPLY SEWER SERVICES TO A CERTAIN PROPERTY IN THE TOWN OF HINGHAM.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter 372 of the acts of 1984 or any other general or special law to the contrary, the Massachusetts Water Resources Authority may connect the property located at 249 Central street, in the town of Hingham, as shown on a deed recorded in the Plymouth county registry of deeds, Book 13265, Page 046 to the sewer system of the authority for the purpose of providing sewer services to the same extent as property located within the district of the authority. All costs and expenses incurred for labor and materials relative to the installation of the sewer connection shall be paid by the property owner. All work and labor shall be performed in accordance with the specifications of the authority. The authority may assess a fee upon the owner of the property for the use of the sewer system and for the services related thereto.

Approved May 3, 1999.

Chapter 14. AN ACT AUTHORIZING THE TOWN OF WINTHROP TO USE CERTAIN PARK AND RECREATION LAND FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Winthrop is hereby authorized to use a certain parcel of land currently used for park and recreation purposes for the construction, maintenance and use of schools and educational facilities, facilities for athletics, community programs and activities, and for general recreational use. Ancillary uses of said parcel may include access, parking, support facilities and replacement park land. Said parcel is shown on a deed of the United States of America, acting by and through the Administrator of General Services dated August 10, 1967, and recorded in the Suffolk county registry of deeds in Book 8139, Page 299.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1999.

Chapter 15. AN ACT RELATIVE TO THE SCHOOL COMMITTEE IN THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 24 of chapter 169 of the acts of 1881 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The school committee of the city of Malden shall hereafter consist of the mayor ex officio who shall be chairman, a person to be appointed by the mayor subject to the approval of the city council and five members to be elected by the qualified voters of said city.

SECTION 2. This act shall become inoperable at any time the city of Malden adopts a ward representative system for the election of school committee members.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1999.

Chapter 16. AN ACT RELATIVE TO THE CONSTRUCTION AND FINANCING OF INFRASTRUCTURE AND OTHER IMPROVEMENTS IN THE TOWN OF FOXBOROUGH AND AT FOXBORO STADIUM.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the construction and financing of certain infrastructure and other improvements in the town of Foxborough at Foxboro stadium, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. The general court hereby finds and declares that: (a) the construction within the town of Foxborough of an open-air stadium of sufficient size and adequate support facilities to attract, retain and accommodate professional and amateur teams and large scale national and international athletic, concert, entertainment and similar events will significantly enhance the economic development and the general welfare of the commonwealth; (b) the continuation and expansion of such activities will stimulate hotel, restaurant, recreation, entertainment and retail sales activity in the economic development area in the commonwealth and in the town of Foxborough which will in turn promote the overall economic development of the commonwealth and enhance employment opportunities for its citizens; (c) the current open-air stadium located in the town of Foxborough is inadequate for the purposes for which it was designed and a new stadium is required to attract and retain those athletic, concert and entertainment events which will promote the economic health of the commonwealth and encourage further private development, including the development of other commercial facilities; (d) private industry is prepared to make a substantial additional investment to construct a new stadium in the town of Foxborough and to make significant commitments to continue the use of the newly constructed stadium as the home of professional football and soccer teams; and (e) the construction of a new stadium in the town of Foxborough and its use as a venue for professional sports and concert events also requires the acquisition, construction, development, modernization and improvement of substantial support facilities to the stadium, including roadways, pedestrian walkways and bridges, lighting and other utilities, water, wastewater and solid waste management facilities and similar improvements and the financing of such improvements by the town with the financial assistance of the commonwealth is in furtherance of a public purpose, will promote and enhance public safety and convenience and will provide an essential stimulus to the construction of the new stadium and related facilities for economic development by private industry and the economic development of communities adjacent to the stadium.

SECTION 2. (a) Except as otherwise provided in this act, the following words as used in this act shall, unless the context requires otherwise, have the meanings set forth in section 1 of chapter 40D of the General Laws:- "Bond", "Construction", "Cost of the project" and "cost", "Financing document", "Improvement", "Project", "Trust agreement" and "User".

(b) The following words as used in this act and in any sections of chapter 40D of the General Laws applicable to the powers of the town of Foxborough within the economic development area described in this act shall have the following meanings unless the context requires otherwise:-

"Authority", the Foxborough Industrial Development Financing Authority, established pursuant to section 2 of chapter 40D of the General Laws.

"Contract assistance", debt service costs paid by the commonwealth pursuant to section 8 for bonds issued by the authority, pursuant to section 7, used to finance infrastructure improvements as provided herein.

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"Developer", any one or more of Foxboro Realty Associates LLC, a limited liability company organized under the laws of the state of Delaware or Foxboro Stadium Associates Limited Partnership, a limited partnership organized under the laws of the state of Delaware, or any designee thereof or any successor to or assignee or designee of any of the foregoing. The developer shall be deemed to be a user of any infrastructure improvements within the economic development area for purposes of chapter 40D of the General Laws.

"Economic development area", the area within the town of Foxborough consisting of approximately 325 acres shown on a plan entitled ALTA/ACSM Land Title Survey, Foxboro Stadium and Raceway, Foxborough, Mass. dated December 1, 1992, updated November 22, 1994, by Harry R. Feldman, Inc., 112 Shawmut Avenue, Boston, Massachusetts, recorded with the Norfolk county registry of deeds and all interests, rights and easements appertaining thereto and all buildings, structures and other improvements thereon. The economic development area shall not include the site of the stadium as herein described and the stadium or portion thereof and their buildings, structures and improvements thereon but shall include the site of the existing stadium upon its conveyance by the town to the developer.

"Infrastructure improvements", the planning, design, development, construction, improvement, grading and site preparation, the demolition, removal or relocation of buildings, structures, fixtures or equipment or any combination of the foregoing included in the memorandum as defined herein, and limited to and, as necessary, adjacent to the economic development area, which are intended to promote the public safety and convenience. Infrastructure improvements shall be approved by the secretary of administration and finance. Infrastructure improvements shall include construction of an inner ring road, an outer ring road, internal access roads, storm drainage, retaining walls, utility and sewerage improvements, management and treatment facilities, wastewater collection, traffic controls and signals, lighting, sign barriers, restoration of paved parking areas, pedestrian enhancements including, but not limited to, bridges, underpasses and walkways, a South Bridge, so-called, over state highway route 1, a North Bridge, so-called, over state highway route 1 and a bypass to North street; provided, further, that sidewalks and curbing shall be constructed in the town of Walpole along the west side of state highway route 1 to provide for the public safety of persons walking to the stadium from parking lots located in Walpole. The town of Walpole and the department of highways may acquire, receive or accept any easements that may be necessary to complete the foregoing; provided, further, that the infrastructure improvements provided for in clause (1) of subsection (a) of section 4 and financed by the authority within the economic development area that are undertaken by the developer as essential infrastructure improvements pursuant to sections 3 and 4 shall not exceed \$42,000,000. The infrastructure improvements within the economic development area to promote the public health and safety and financed by the authority pursuant to the contract authorized by section 3 and defined in clause (2) of said subsection (a) of said section 4 shall not exceed \$14,000,000. The infrastructure improvements financed by the

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authority that are undertaken by the department of highways or other suggested improvements, pursuant to subsection (c) of said section 4 shall not exceed \$14,000,000. Infrastructure improvements shall not include the removal or relocation of manufactured homes as provided for in section 10. For the purposes of this act, the term "project" as used in chapter 40D of the General Laws shall include infrastructure improvements and the stadium and any training facilities, practice fields and other facilities ancillary thereto.

"Memorandum", the memorandum prepared by Rizzo Associates, filed with the secretary of administration and finance pursuant to section 6 and dated April 28, 1999, regarding infrastructure requirements for Foxboro stadium and distinguishing essential infrastructure improvement to be undertaken by the developer and other suggested improvements to be undertaken by the department of highways, as the memorandum may be amended from time to time and approved by the authority and the secretary of administration and finance.

"Parking and traffic management zone", the area within the towns of Foxborough, Sharon, Walpole and Wrentham within a three mile radius of the center of the stadium as defined herein, which shall include all parking spaces licensed by the town of Foxborough for stadium related events.

"Revenues", receipts, fees, charges, surcharges, rentals or other payments or income received or to be received on account of obligations to the town under a financing document pertaining to the economic development area or to any infrastructure improvements, including proceeds of bonds and loans issued or made by the town in connection with any of the foregoing, amounts in reserve or held in funds and accounts established in connection with the issuance of such bonds and the proceeds of investments thereof, and payments to the town from the commonwealth pursuant to section 8 to the extent provided in section 7.

"Stadium", the stadium to be constructed pursuant to section 11.

"Stadium lessee", Foxboro Stadium Associates Limited Partnership, a limited partnership organized under the laws of the state of Delaware or any designee thereof, or any lessee or licensee therefrom of all or any part of the stadium or the use thereof or any successor to or assignee or designee of any of the foregoing. The stadium lessee shall be deemed to be a user of the stadium for the purposes of chapter 40D of the General Laws.

"Town", the town of Foxborough.

SECTION 3. (a) In addition to the powers granted in chapter 40D of the General Laws and subject to the easement granted by the developer to the town of Foxborough herein, the town, acting by and through the authority, may contract with the developer to undertake any and all infrastructure improvements in the economic development area or as otherwise allowed by this act which will promote the public safety and convenience. The town shall have all of the powers and the immunities, consistent with this act, granted to the Massachusetts Development Finance Agency under clauses (5), (6), (16), (17) and (20) of subsection (a) of section 3 of chapter 23G of the General Laws or otherwise granted to the town or the authority under said chapter 40D. No contract pursuant to this section shall take effect until the secretary of administration and finance has approved it in writing.

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(b) The developer shall grant to the town, acting by and through the authority, an easement in perpetuity for the purpose of making any and all infrastructure improvements in the economic development area, as such are defined in section 2, and authorized by this act and for such other public purposes as may be provided for by law. Any such improvements are hereby declared to be in the furtherance of a public purpose to promote the public safety and convenience. The easement shall be approved as to form by the attorney general and shall contain such terms and conditions necessary to comply with all laws and in furtherance of the provisions of this act. No easement shall be valid until the secretary of administration and finance has approved it in writing.

(c) The sole consideration for such easement shall be the financing of such infrastructure improvements within the economic development area by the town with the financial assistance of the commonwealth as such improvements are in the furtherance of a public purpose and will promote and enhance public safety and convenience.

(d) Notwithstanding the provisions of chapter 40D of the General Laws or any other general or special law to the contrary, the developer shall be solely responsible for all costs and expenses of holding, operating and maintaining all lands and other properties within the economic development area, including the maintenance and repair of infrastructure improvements made thereon pursuant to the provisions of this act and including all taxes payable with respect thereto or on the developer's operations on such lands and other properties and, except for the costs of infrastructure improvements payable by the authority as provided in this act, for all costs of developing and improving such lands and other properties. Except as otherwise provided herein, the developer shall be entitled to receive, hold and expend all income and other receipts derived by it from its interest in the lands and other properties included within the economic development area. The town may enter into agreements with the developer or stadium lessee for payments in lieu of taxes for the portion of the economic development area on which the stadium is constructed, which agreements shall be binding on the town and such other parties for the full term of such leases. The developer may mortgage, sell, lease or otherwise encumber or dispose of all or part of the economic development area subject to the easement granted to the town herein. All other real and personal property within the economic development area shall be taxed by the town as provided in section 20 of said chapter 40D but, upon the vote of the board of selectmen of the town, all or any portion of such property may be taxed by the town as provided in section 10 of chapter 121A of the General Laws as if the developer or any lessee there from were a corporation described in said chapter organized on such date as the board of selectmen shall approve.

(e) All actions taken by the authority pursuant to this act shall be subject to the general supervision and direction of the secretary of administration and finance.

SECTION 4. (a) The contract authorized pursuant to section 3 between the town and the developer shall provide that the developer shall be solely responsible for the planning, design, construction and installation of infrastructure improvements made on the property of the developer and for their ongoing maintenance and operation upon their completion.

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The authority, with the approval of the board of selectmen and without further authorization or appropriation by the town, shall reimburse the developer as follows: (1) for all costs of infrastructure improvements, including utility relocation or construction, within the economic development area, except such improvements described herein, up to an aggregate amount not to exceed \$42,000,000 and as described in the memorandum; and (2) for the costs of infrastructure improvements within the economic development area relating to public health and safety, specifically wastewater, storm drains, utilities, lighting, pedestrian corridors and roadway and pedestrian bridges, which promote and enhance public safety and convenience and described in the memorandum up to an aggregate amount of \$14,000,000. The infrastructure improvements provided herein shall be subject to such terms and conditions as shall be approved by the secretary of administration and finance pursuant to section 6. Neither the commonwealth nor the town, acting by and through the authority, shall be responsible for any costs including, but not limited to, infrastructure improvements, that exceed the amounts authorized in this subsection. If the cost of infrastructure improvements within the economic development area exceeds the amounts specified in this subsection, such additional costs, if any, shall be paid solely by the developer.

(b) Notwithstanding the definition of infrastructure improvements, the contract may allow the expenditure of a portion of the amounts provided for in clause (1) of subsection (a) for infrastructure improvements that necessarily impinge upon or connect to the stadium or to areas adjacent to the economic development area, to promote and enhance public safety and convenience to the extent necessary to achieve the purposes of this act.

(c) The town shall enter into an agreement that provides for reimbursement by the authority to the department of highways for infrastructure improvements located outside the economic development area on state highway route 1 and adjacent thereto that shall not exceed \$14,000,000 and described as other suggested improvements in the memorandum.

The department of highways, after consultation with the developer and the authority, shall construct off-site infrastructure improvements to promote and enhance public safety and convenience along state highway route 1 within the scope of the memorandum and subject to said agreement.

SECTION 5. Notwithstanding the provisions of any general or special law to the contrary, the provisions of section 39M of chapter 30, chapter 30B, sections 44A to 44M, inclusive, of chapter 149 of the General Laws and any other general or special law, regulation or ordinance or by-law providing for the advertising, bidding or awarding of contracts, for design or construction or for improvements to property shall not apply to the economic development area or to the construction by the developer or stadium lessee of any infrastructure improvements or the stadium in accordance with this act. The developer or stadium lessee shall make good faith efforts in undertaking the infrastructure improvements and stadium construction to hire Massachusetts firms and residents. Notwithstanding the foregoing, infrastructure improvements undertaken by the department of highways pursuant to subsection (c) of section 4 shall not be exempt from the provisions of said section 39M of said chapter 30, said chapter 30B, said sections 44A to 44M, inclusive, of said chapter 149

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or any other general or special law, regulation or ordinance or by-law providing for the advertising, bidding or awarding of contracts, for design or construction or for improvements to property.

SECTION 6. Notwithstanding any provision of this act to the contrary, the town, acting by and through the authority, shall not pay or finance any costs of the infrastructure improvements or issue any bonds therefor as provided in section 7, until: (1) the developer shall have filed the memorandum not later than 30 days after the effective date of this act with the secretary of administration and finance, the house and senate committees on ways and means and the board of selectmen of the town of Foxborough; (2) the developer shall have submitted design drawings for such infrastructure improvements consistent with the plans which have been approved by the town and the secretary of administration and finance and which have been incorporated into the contract authorized by section 3; (3) the stadium lessee shall have submitted plans to construct a privately financed stadium with an estimated cost of \$225,000,000, to the secretary of administration and finance, pursuant to section 11; (4) the stadium lessee, the owner of the professional football team conducting business at the stadium and the National Football League or other appropriate party and their successors and assigns in interest shall enter into a contract with the commonwealth as such is so approved and certified by the attorney general under terms and conditions approved by said attorney general, including joint and several liability for each party to the contract, to hold and maintain the stadium for the purpose, among others, of conducting therein the business of a professional football team which is a member of the National Football League. If the stadium lessee should cease to conduct professional football business at the stadium, the stadium lessee, as of the date professional football ceases at the stadium, shall, if the date that the conduct of professional football ceases is: (a) less than five years after the effective date of this act, be obligated to pay to the commonwealth an amount equal to any outstanding debt on the infrastructure bonds issued pursuant to section 7 and an amount equal to 100 per cent of the commonwealth's contract assistance payments made as of said date; (b) five or more years but less than ten years after the effective date of this act, be obligated to pay to the commonwealth an amount equal to any outstanding debt on the infrastructure bonds issued pursuant to said section 7 and an amount equal to 75 per cent of the commonwealth's contract assistance payments made as of said date; (c) ten or more years but less than 15 years after the effective date of this act, be obligated to pay to the commonwealth an amount equal to any outstanding debt on the infrastructure bonds issued pursuant to said section 7 and an amount equal to 50 per cent of the commonwealth's contract assistance payments made as of said date; (d) 15 or more years but less than 20 years after the effective date of this act, be obligated to pay to the commonwealth an amount equal to any outstanding debt on the infrastructure bonds issued pursuant to said section 7 and an amount equal to 25 per cent of the commonwealth's contract assistance payments made as of said date; and (e) 20 years or more after the effective date of this act, be obligated to pay to the commonwealth an amount equal to any outstanding debt on the infrastructure bonds issued pursuant to said section 7, but the amount of any administrative parking fee instituted within the economic development

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area pursuant to subsection (b) of said section 7 shall be deducted from the amount of any contract assistance reimbursement owed by the stadium lessee for the purpose of clauses (a) to (e), inclusive. The payments provided pursuant to such contract shall constitute liquidated damages for any breach of such contract and neither the commonwealth nor the authority shall be entitled to any other damages or to injunctive relief for such breach or for a breach of any similar term of any lease; and (5) the town makes all necessary provisions for a road providing vehicular access and egress between the economic development area and North street in the town of Foxborough.

Satisfaction of the conditions provided in this section shall be conclusively evidenced by a certificate of the secretary of administration and finance, which shall describe in detail how each such condition has been satisfied and shall include copies of the infrastructure and stadium improvement plans, which shall be filed with the governor and the house and senate committees on ways and means immediately upon the approval of said secretary.

SECTION 7. (a) In addition to the powers provided in chapter 40D of the General Laws, the town, acting by and through the authority, may borrow money and issue and secure its bonds for not more than 25 years as provided in this act and in said chapter 40D of the General Laws for the purpose of financing costs of infrastructure improvements as provided in section 4.

(b) (1) In addition to the provisions of said chapter 40D pertaining to the security of bonds issued thereunder, bonds issued by the town, pursuant to this section may be secured by a pledge of any revenues of the town received or to be received on account of obligations to the town under any financing document, agreed to between the town and the stadium lessee and certified by the secretary of administration and finance covering infrastructure improvements or stadium improvements financed by such bonds. Any such financing document shall include covenants by the town or the stadium lessee or other user of the project for the provision of revenues sufficient to pay the debt service on the bonds issued therefor.

(2) Notwithstanding any provision of this act to the contrary, an administrative fee shall be charged to all parking spaces licensed by the appropriate town within the parking and traffic management zone, which shall be collected by the towns of Sharon, Walpole and Wrentham and the authority and returned to the commonwealth for deposit in the general fund. The towns of Sharon, Walpole and Wrentham and the authority shall have all powers necessary to collect such fees in said towns located within the parking and traffic management zone. The department of state police shall have authority to enforce the licensing requirements for open-air parking spaces pursuant to section 56 of chapter 148 of the General Laws. The annual aggregate amount of the administrative fee to be collected from such parking spaces shall be determined annually by the secretary of administration and finance in an amount sufficient to collect annually an aggregate amount of \$750,000 from the administrative fee for parking spaces within the economic development area and an aggregate amount of \$400,000 from the administrative fee for parking spaces outside the economic development area.

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(3) The stadium lessee shall annually pay an administrative fee of \$250,000 to the commonwealth for deposit in the general fund and such fee may be collected through the procedures provided by chapter 62C of the General Laws. The administrative fee shall be paid only after the commonwealth begins to provide contract assistance under section 8 and only until 25 years thereafter or for the term of the bonds issued under subsection (a), whichever period is shorter.

(c) The secretary of administration and finance shall determine the amount of the annual contract assistance due pursuant to section 8 and the amount shall be included as a separate item in the budget filed by the governor pursuant to Section 2 of Article LXIII of the Amendments to the Constitution. Said secretary shall report annually to the house and senate committees on ways and means the extent to which revenues, including the administrative fee authorized herein, offset said annual contract assistance payment in the preceding fiscal year. Said secretary shall certify to the state treasurer a projection of the revenue from administrative parking fees instituted pursuant to subsection (b) to be remitted by the towns of Sharon, Walpole and Wrentham and the authority to the commonwealth each year.

(d) Bonds issued under authority of this section may be issued under and secured by a trust agreement or a financing document with such terms and conditions as the authority may determine in accordance with this act and chapter 40D of the General Laws. Notwithstanding the foregoing, revenues paid to the authority from the commonwealth as provided in section 8 shall be applied solely to the payment of and security for bonds issued for the purposes described in subsection (a) in accordance with the agreement therefor between the town and the commonwealth and shall not exceed the amount necessary for debt service payments on the bonds issued for said infrastructure improvements pursuant to said subsection (a).

(e) Bonds issued by the town, acting by and through the authority, under authority of this act for the purposes of said subsection (a) shall not constitute a debt or a pledge of the faith and credit of the town or the commonwealth but shall be payable solely from contract assistance pursuant to section 8. All bonds issued by the town, acting by and through the authority, shall state that the bonds are not a general obligation of the town or an obligation of the commonwealth but are payable solely from the funds specifically pledged for their payment.

(f) Notwithstanding the provisions of any general or special law to the contrary, the provisions of section 12 of chapter 40D of the General Laws shall not apply to bonds issued under authority of this act for the purposes specified in subsection (a). No such bonds of any series shall be issued by the town, acting by and through the authority, unless the issuance of such bonds and the financing documents and trust agreement, if any, therefor shall have been approved by the board of selectmen of the town and the secretary of administration and finance.

(g) Except as expressly provided in this act, nothing in this act shall be construed to limit or otherwise diminish the power of the town, acting by and through the authority, to finance costs of projects described in chapter 40D of the General Laws within the economic

development area or on the site of the stadium upon compliance with the provisions of said chapter 40D.

SECTION 8. The state treasurer, acting on behalf of the commonwealth, shall enter into an agreement with the town providing that the commonwealth shall provide contract assistance for debt service obligations of the town for a period of not more than 25 years in amounts sufficient to defray debt service costs associated with up to \$70,000,000 in principal amount of bonds of the town issued pursuant to subsection (a) of section 7 for the purpose of making infrastructure improvements as provided in section 4. Such contract assistance agreement shall provide for the payment by the commonwealth of debt service obligations of the town at such times during each fiscal year and upon such terms and under such conditions as the agreement, with the approval of the secretary of administration and finance, shall stipulate. The amount of said contract assistance in any year shall be reduced by the amount that the authority shall be obligated to pay but fails to pay in the previous year under paragraph (2) of subsection (b) of section 7. The town may pledge such agreement and the rights of the town to receive amounts thereunder as security for the payment of bonds issued by the town for such purposes. Such contract assistance agreement shall constitute a general obligation of the commonwealth for which the full faith and credit of the commonwealth shall be pledged for the benefit of the town.

SECTION 9. For the purposes of public safety and convenience, the developer, subject to the approval of the town, the department of highways and the department of state police, shall develop and implement a parking and traffic management plan within the parking and traffic management zone. The purposes of the plan shall be to improve the efficiency of traffic flow before, during and after stadium events by: (1) expediting the flow of traffic from satellite and stadium parking lots onto state highway route 1 or feeder roads; (2) expediting the flow of traffic from state highway route 1 and feeder roads to north and south egress points including, but not limited to, interstate highway routes 95 and 495; and (3) increasing public safety throughout the zone and the adjacent areas by segregating pedestrian and vehicular traffic. The plan shall be based upon an analysis that shall consider at least the following: (1) traffic flow patterns on stadium event days including, but not limited to, travel time from all parking lots within the zone to state highway route 1 and egress points; (2) a comparison of the actual current travel times to the estimated travel times after infrastructure improvements detailed in this act have been completed; (3) all town and state laws, ordinances, rules, regulations or by-laws, governing the licensing and use of parking within the zone; (4) any recommendations necessary to effectuate the orderly and cost-effective management of parking and traffic within said zone including, but not limited to, restricted access to state highway route 1 or feeder roads and controls on the directional flows of traffic on roads within said zone; and (5) recommendations for future improvements to parking, roads or rail stations that would complement or enhance the improvements detailed in this act. The town may adopt said recommendations, in agreement with said department of highways and the department of state police, without additional approval or

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appropriation of the legislature. The plan shall be submitted to the secretary of administration and finance, the house and senate committees on transportation and the house and senate committees on ways and means no later than one year after the opening of the stadium.

SECTION 10. Notwithstanding any provision of sections 32F to 32S of chapter 140 of the General Laws or any other general or special law to the contrary, the developer may relocate any manufactured home and any other building, structure, fixture and equipment used in connection therewith, held or occupied by any person under a tenancy at will or other tenancy, however created, on any real property within the economic development area to another site within or adjacent to the economic development area or another suitable site licensed for a manufactured housing community under section 32B of said chapter 140 and may terminate such tenancy and any other right of a person to hold possession of or occupy such real property, upon not less than 180 days' written notice to the resident of such manufactured home and satisfaction of such other conditions as the board of health of the town may prescribe. The developer shall pay to any tenant so relocated, at the tenant's election, either (a) his actual relocation costs, which shall include the cost of disconnecting and moving the home to a new community, selected by the tenant, within a 100-mile radius of the current location, reconnecting the home with all the hookups so that it is substantially in the same condition as before the move and with any existing appurtenances and the reasonable costs of suitable lodging until said move and installation are completed; or (b) the appraised value of the tenant's manufactured home, which shall be the full and fair market value of the home and any existing appurtenances, but excluding the value of the underlying land, as determined by an independent appraiser agreed to by the developer and the tenant. The provisions of subsections (7A), (8) and (9) of section 32L of said chapter 140 and the provisions of section 32R of said chapter 140 shall not apply to a manufactured home of manufactured homes located in the economic development area. A committee consisting of a representative of the local board of health, the local board of selectmen and the department of housing and community development shall be formed to assist manufactured housing community residents who are affected by this section. Said assistance shall include issues regarding relocation and damages resulting therefrom.

SECTION 11. The stadium lessee shall agree with the authority and the commonwealth, acting through the secretary of administration and finance, to construct a privately-financed stadium within the economic development area which is estimated to cost \$225,000,000.

SECTION 12. Notwithstanding the provisions of any general or special law to the contrary, the developer or stadium lessee may elect to convey the wastewater from the stadium and from the economic development area in the town of Foxborough for treatment to the town of Walpole within the Massachusetts Water Resources district at a rate to be agreed upon between the developer or stadium lessee and the Massachusetts Water Resources Authority. For this purpose, the developer or stadium lessee shall provide for the installation of a sufficient sewer line as an infrastructure improvement pursuant to section 4.

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Said town of Foxborough, subject to approval by the department of environmental protection, may require that the sewer line be of a larger capacity and that businesses which abut the sewer line in the town may connect to the sewer line at their own expense but the town of Foxborough shall pay the additional cost of such requirements as determined by the secretary of administration and finance. Said Massachusetts Water Resources Authority shall supervise and approve all aspects of the installation of the sewer line and shall establish rates for such business connections and insure that there are no adverse financial consequences for ratepayers in said town of Walpole.

SECTION 13. The developer and the stadium lessee shall prepare or cause to be prepared an environmental impact report regarding the stadium and infrastructure improvements required by this act. The environmental impact report shall be prepared jointly on behalf of the developer, stadium lessee, authority, department of highways and any other person or agency involved in the development work and infrastructure improvements. The environmental impact report shall be prepared in accordance with the provisions of section 62B of chapter 30 of the General Laws and, notwithstanding the provisions of any general or special law to the contrary, the secretary of environmental affairs shall require the developer and stadium lessee to prepare the report as a final environmental impact report without any prior draft thereof. The scope of the final environmental impact report shall be based upon the submission of an expanded environmental notification form by the developer and the comments of said secretary made not later than 30 days after the submission of the expanded environmental notification form. Said secretary's comments shall determine the form, content, level of detail and alternatives required for the report. Notwithstanding the provisions of sections 62 to 62H, inclusive, of said chapter 30, the authority and other persons and agencies may take all actions including, but not limited to, expenditure of funds pursuant to this act which are necessary appropriate or required for acquisition of easement interests within the economic development area as provided in this act prior to the publication of the final environmental impact report pursuant to this act and section 62C of said chapter 30.

Approved May 24, 1999.

Chapter 17. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT A CONVEYANCE OF CERTAIN LAND IN THE CITY OF MEDFORD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the division of capital asset management and maintenance to convey a certain parcel of land in the city of Medford, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding the provisions of sections 40F, 40H and 40I of chapter 7 of the General Laws, convey for recreation, open space and education purposes by deed to the city of Medford a certain parcel of land in the city, shown as a parcel of land containing 43.9 acres, more or less, on a plan entitled "Plan of Land in Medford, MA, prepared for the City of Medford", dated January 20, 1999, in this act called the property.

The consideration for the conveyance authorized by this act shall be the full and fair market value of the property taking into consideration and account the use restrictions and the value of the improvements to be made by the city and the rights of way and access for public use pursuant to section 3.

There shall be an independent appraisal for the use described in this act of the fair market value of the property conveyed by the commonwealth to the city as consideration. The inspector general shall review and approve the appraisal. The inspector general shall prepare a report of his review of the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner for submission to the house and senate committees on ways and means and chairmen of the joint committee on state administration in accordance with this act. The commissioner shall, 30 days before the execution of any agreement authorized by this act or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days prior to execution.

SECTION 2. If the property ceases to be used at any time for the purposes contained in this act, or is used for any purpose other than this purpose the property, upon notice by the commissioner of the division of capital asset management and maintenance, shall revert to the care and control of the commonwealth through the division of capital asset management and maintenance, under the care and control of the metropolitan district commission, and any further disposition of the property shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws.

SECTION 3. As a condition of the conveyance authorized by section 1, the city of Medford shall complete the restoration of two sections of foot trails and refurbish existing playing fields currently contained on land of the commonwealth in the vicinity of the Mystic river to be conveyed under this act. Such trails shall be delineated by the division. Before acquiring the property, the city shall provide the division with a written cost estimate by an independent cost estimator of the cost to the city for the city to perform its obligation under this section. The city shall cooperate with and notify the division of capital asset management and maintenance before commencing any work upon said trails. The division shall have the

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right to use the parking area described on the plan for automobile parking for the Loconte rink. Current rights of way and road access on the property shall be maintained by the city for motor vehicle use and access.

SECTION 4. The city of Medford shall pay all expenses associated with and any cost of appraisals, surveys and other expenses relating to the transfer of the land, and any cost and liabilities and expenses of any nature and kind for its ownership, maintenance or operation.

Approved May 25, 1999.

Chapter 18. AN ACT DESIGNATING ROUTE 138 IN THE TOWN OF STOUGHTON AS THE VETERANS OF FOREIGN WARS MEMORIAL HIGHWAY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the designation of a certain state highway in the town of Stoughton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

That portion of state highway route 138 beginning in the town of Stoughton at the intersection of Walnut street and extending to the town line of the town of Easton shall be designated and known as the Veterans of Foreign Wars Memorial Highway. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of said department.

Approved May 28, 1999.

Chapter 19. AN ACT AUTHORIZING THE TOWN OF HOPKINTON TO ESTABLISH AN OPEN SPACE PRESERVATION FUND.

Be it enacted, etc., as follows:

SECTION 1. The town of Hopkinton, hereinafter called the town, may establish an open space preservation commission, hereinafter called the commission. The commission shall consist of five members, including one member from the board of selectmen, one member from the planning board and one member from the conservation commission, all of whom shall be residents of the town, and each of whom shall be appointed by the board of selectmen. Each commission member's term of office shall be five years, provided that the initial members shall be appointed for terms of five, four, three, two and one year, respectively. The board of selectmen shall appoint one member to the commission upon expiration of

the term of each member. The town planner and the executive secretary shall serve as ex officio members of the commission. After the initial appointment of the members of the commission, any vacancy occurring in the commission from any cause may be filled for the remainder of the unexpired term by the board of selectmen not less than seven days following notice of its intent to fill such vacancy. The commission shall elect a chairman and a vice chairman from among its regular members and shall elect a secretary who need not be a member of the commission. After holding a public hearing and requesting recommendations from town boards and committees, the commission shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities under this act.

SECTION 2. Any member of the commission may, after a public hearing before the board of selectmen, if requested, be removed for cause by the board of selectmen.

SECTION 3. The commission shall study undeveloped and underdeveloped land areas within the town and shall establish a priority list of land areas or parcels that the commission deems appropriate for the town to purchase as open space or to dispose of for the same or other purposes and uses. The commission shall undertake such studies and research as it deems appropriate and prepare such documents and records as are necessary to establish such a priority list. The commission shall use the Hopkinton open space and master plans, if any, as guidance and shall also adopt a management plan for managing each of its interests in land.

SECTION 4. Except for conservation land owned by the Hopkinton conservation commission, the commission shall study all lands owned by the town, including its boards, commissions, agencies and departments, and lands in which the town has a restricted interest, including but not limited to, tax title parcels and land of low value, and from time to time identify such lands that may no longer be necessary or appropriate for the town to retain for public purposes. In conjunction with other town boards, commissions, agencies and departments as necessary, the commission shall establish criteria and standards for identifying parcels or land areas that may be disposed of by the town, through transfer, sale, lease or otherwise, and establish a priority list of properties to be disposed of. The commission shall periodically distribute its priority list of disposable or surplus properties to the authorities with jurisdiction over such parcels or land areas, and recommend that disposition procedures provided under applicable General Laws or this act be undertaken by such authorities.

SECTION 5. The town may transfer parcels or land areas owned by the town or any of its boards, commissions, agencies or departments, except for conservation land owned by the Hopkinton conservation commission, to the commission upon a two-thirds vote by town meeting.

SECTION 6. The commission may receive and accept gifts, bequests, grants, transfers or appropriations of funds, monies, securities, or other things of value, from the federal government, a charitable foundation, a private corporation, an individual, the commonwealth, a county or municipality or an agency thereof. The assets acquired or received

by the commission shall be placed in a special fund hereinafter referred to as the Open Space Preservation Fund, hereinafter called the fund. The fund shall be set up as a revolving fund to be funded as set forth herein and to be utilized for the purposes set forth herein. The commission may expend any portion or all of the fund for the purpose of acquiring open space and undeveloped land in the town, upon the prior approval of the planning board, the board of selectmen and the town meeting of the town. The town shall make no appropriations from the fund without the recommendation of the commission for such expenditure. All amounts received by the commission shall be deposited with the treasurer of the town and held as a separate account and may be expended in the manner as aforesaid. The treasurer shall invest and reinvest the assets of the fund and any interest on the fund shall remain with and become a part of the fund and may be expended as part of the fund in the manner as aforesaid.

SECTION 7. The commission may negotiate for and to enter into agreements with individuals and entities for the purchase or acquisition by gift, bequest or otherwise of such open space or undeveloped land as it deems appropriate. The commission shall comply with the requirements of chapter 30B of the General Laws for the acquisition of an interest in real property. Subject to the provisions of section 6, the commission may acquire land or interests in land in fee simple, or in such other manner including easements, leasehold interests, development rights, imposition of conservation or other restrictions, or such other interests as the commission deems appropriate. The terms "open space" and "undeveloped land" shall for purposes hereof be deemed to include land upon which is situated a building or buildings or structure or structures, if, in the judgment of the commission, the acquisition of such land would further the purposes of this act. The commission may recommend that the town authorize the borrowing of monies, which authorization must be approved by a two-thirds vote of the town meeting, for the purposes herein set forth.

SECTION 8. Subject to prior approval by the planning board and board of selectmen and a two-thirds vote of town meeting, the commission may dispose of its interest in whole or in part in land over which it has jurisdiction, through transfer, sale, lease, or otherwise pursuant to the procedures set forth in section 16 of chapter 30B of the General Laws. The proceeds of any such disposition shall be deposited in the open space preservation fund in the manner provided under section 6.

SECTION 9. Subject to the provisions herein set forth, the commission may apply for, accept and expend any and all grants, aid or loans which may be available for the purpose of acquiring open space. The commission may enter into such contracts or agreements with any entity, including governmental boards and agencies, for the purpose of obtaining any loan, grant or any federal or state aid available for the purposes hereof. The commission may join or collaborate or participate with any governmental or private not for profit organization whose mission is to own or manage and maintain lands devoted to open space or preservation and may contract with or delegate to such entities to perform administrative functions of the commission.

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SECTION 10. Each year the commission shall undertake reasonable and appropriate efforts to obtain monies and other assets, through appropriations from the town meeting of the town of Hopkinton or otherwise, to establish, maintain, preserve, and increase the fund for the purpose of having sufficient resources to acquire land or interests in land for the purposes set forth in this act. The commission shall not request appropriation of money from town meeting to the fund at any time that the amount of money and other assets in the fund, exclusive of interest which has accrued on the fund, exceeds in the aggregate the sum of \$5,000,000.

SECTION 11. As a means of providing available assets for the fund, all monies received by the town through the following means shall be paid over to and become a part of the fund for the purposes set forth in this act:

(a) Rollback taxes for the sale of land which has been classified under chapter 61, 61A or 61B of the General Laws.

(b) All monies received from the sale of foreclosed tax titles pursuant to section 77B of chapter 60 of the General Laws, the assignment of tax titles pursuant to section 52 of said chapter 60 and from the sale of land of low value pursuant to sections 79 to 80B, inclusive, of said chapter 60, including monies received from the sale of such properties where the procedures for disposition are modified pursuant to this act.

(c) All monies received by the town as a result of violations of the open space and landscape preservation development by-law of the town.

SECTION 12. When disposing of land of low value, the town through its treasurer or other authorized official may modify the disposition procedures under sections 79 to 80B, inclusive, of chapter 60 of the General Laws by offering such land first to owners of contiguous properties, hereinafter referred to as immediate abutters. In so doing, at least 14 days before the sale, the town shall notify all parties known to have an interest in the land and immediate abutters, by certified mail, by publication of a legal announcement in a newspaper of local circulation and by posting of a notice at the town hall, that it intends to sell at public auction one or more parcels of land of low value, and that preference shall be given first to immediate abutters. If no acceptable bids are received at the date and time of the public auction, the town may thereafter hold an adjourned sale and offer such land of low value to any qualified bidder through the same notification and public auction procedures. An acceptable bid shall be an amount deemed sufficient by the town but in no event shall be less than the amount owed to the town to redeem the title. A vote of the town at an annual or special town meeting taken before the passage of this act appropriating money into the Open Space Preservation Fund, established pursuant to section 6, is hereby ratified, validated and confirmed.

SECTION 13. The commission shall conduct its meetings in accordance with the open meeting law, shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual town report. The commission may employ such consultants and other professionals, and may make contracts for materials and services as it deems necessary and appropriate insofar as the same are not supplied by other town departments.

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SECTION 14. This act shall take effect upon its passage.

Approved May 28, 1999.

Chapter 20. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 1999 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make appropriations forthwith for the fiscal year ending June 30, 1999, each of which is necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 1999 and for certain other activities and projects in said fiscal year, the sums set forth in section 2 are hereby appropriated from the general fund unless specifically designated otherwise and shall be for the several purposes and subject to the conditions specified therein and subject to the provisions of law regulating the disbursement of public funds, for the fiscal year ending June 30, 1999. The sums appropriated in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

SECTION 2.

DISTRICT ATTORNEYS.

Essex District Attorney.

0340-0300 \$41,493

Hampden District Attorney.

0340-0500 \$110,359

Norfolk District Attorney.

0340-0700 \$153,000

Plymouth District Attorney.

0340-0800 \$114,799

SECRETARY OF STATE.

Office of the Secretary of State.

0521-0000 \$162,381

TREASURER AND RECEIVER-GENERAL.

Office of the Treasurer and Receiver-General.

0610-0000 \$303,321

ATTORNEY GENERAL.

Attorney General.

0810-0000 \$300,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Department of Veterans' Services.

1410-0300 \$1,700,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

2100-3010 \$200,000

Metropolitan District Commission.

2440-2000 \$816,818

2440-5000 \$200,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Division of Medical Assistance.

4000-0870 \$44,670,000

Office of Child Care Services.

4130-3700 \$1,600,000

Department of Transitional Assistance.

4405-2000 \$2,455,000

Department of Public Health.

4510-0615 \$390,651

4513-1020 \$3,032,015

4580-1000 \$1,085,914

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6030-7201 \$22,515,429

6030-7221 \$9,085,723

DEPARTMENT OF EDUCATION.

7061-9604 \$260,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of Correction.

8900-0004 \$985,000

Sheriffs.

8910-0000 \$8,000,000

Worcester Sheriff.

8910-0105 \$345,000

Middlesex Sheriff.

8910-0107 \$500,000

Franklin Sheriff.

8910-0108 \$200,000

Hampshire Sheriff.

8910-0110 \$450,118

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, and to meet certain requirements of law, the sums set forth herein are hereby appropriated from the general fund unless specifically designated otherwise herein and shall for the several purposes and subject to the conditions specified herein, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 1999. The sums appropriated herein shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Department of Revenue.

1235-0100 For the settlement agreement in Massachusetts Wholesalers of Malt Beverages, Inc., et al. v. Commonwealth of Massachusetts, et al., Suffolk Superior Court C.A. No. 90-1523-F \$7,900,000

Reserves.

1599-3384 For a reserve for the payment of certain court judgments, settlements and legal fees in accordance with regulations promulgated by the comptroller which were ordered to be paid in fiscal year 1999 or a prior fiscal year; provided, that not more than \$2,500,000 shall be expended for the settlement agreement in SCC/Kullman Industries, a Joint Venture, et al., v. Commonwealth of Massachusetts, et al., Suffolk Superior Court C.A. No. 96-4033-A; and provided further, that not more than \$535,000 shall be expended for the settlement agreement in UNISYS, Inc. et al. v. Commonwealth of Massachusetts, et al., Suffolk Superior Court C.A. No. 96-01272-H \$13,000,000

1599-3920 For a reserve to meet the fiscal year 1999 cost of salary adjustments authorized by the collective bargaining agreements between the University of Massachusetts and the University Staff Association/Massachusetts Teachers Association; provided, however, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet the cost of the adjustments where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the

	comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers	\$536,000
	Collective Bargaining Reserve Fund	100.0%
1599-3921	For a reserve to meet the fiscal year 1999 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and Local 1895, American Federation of Teachers, Educational Services Unit; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers	\$187,000
	Collective Bargaining Reserve Fund	100.0%
1599-3922	For a reserve to meet the commonwealth's obligations for fiscal years 1999 to 2001, inclusive, pursuant to the provisions of subsection 7 of section A of Article VI of the collective bargaining agreement between the University of Massachusetts and Local 1895, American Federation of Teachers, Educational Services Unit; provided, however, that the secretary of administration and finance is hereby authorized to allocate during fiscal year 1999 from the sum appropriated herein such amounts as are necessary to meet the cost of such obligations; and provided, further, that this appropriation shall expire on June 30, 2001	\$83,000
1599-3923	For a reserve to meet the fiscal year 1999 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Coalition of Public Safety (Unit 5) and to meet fiscal year 1999 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits	

to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; provided, further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet such costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers \$750,000

Collective Bargaining Reserve Fund 100.0%
1599-3924 For a reserve to meet the fiscal years 1998 and 1999 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and Local 25, International Brotherhood of Teamsters; provided, however, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 1999 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers \$33,000
Collective Bargaining Reserve Fund 100.0%

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- 1599-3925 For a reserve to meet the fiscal years 1998 and 1999 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Brotherhood of Police Officers, Local 399; provided, however, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 1999 such amounts as are necessary to meet such costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers \$108,473
- Collective Bargaining Reserve Fund 100.0%
- 1599-3926 For a reserve to meet the fiscal year 1999 costs of certain economic benefits authorized by the collective bargaining agreement between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO (Units 8 and 10) and to meet the fiscal year 1999 cost of economic benefits necessary to provide equal benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such benefits for such "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; provided, further, that said secretary may allocate during fiscal year 1999 from the sum appropriated herein such amounts as are necessary to meet such costs; and provided, further, that this appropriation shall expire on June 30, 2001 \$397,000
- 1599-3927 For a reserve to meet the fiscal year 1999 cost of salary adjustments authorized by the collective bargaining agreement between the University of Massachusetts and Local 1776, AFSCME Council 93, AFL-CIO; provided, however, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and

	allocations thereof for said fiscal year such amounts as are necessary to meet such costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers	\$425,000
	Collective Bargaining Reserve Fund	100.0%
1599-5600	For a reserve to partially reimburse the costs incurred in fiscal year 1999 for the delivery of services to clients of home care corporations whose eligibility for such services was created as a result of home health agency cutbacks pursuant to the federal Balanced Budget Act of 1997, so-called; provided, however, that such reimbursement shall be pro-rated based upon the number of clients eligible for such services delivered by each such corporation as of July 1, 1998; and provided, further, that the reimbursement shall not recur nor shall the amount reimbursed hereunder annualize or further obligate the commonwealth in future fiscal years.	\$2,300,000
1599-7019	For a reserve to meet the fiscal years 1998 and 1999 costs of salary and benefit adjustments and other employee economic benefits authorized for those employees of the supreme judicial court, the appeals court and the trial court who are covered by the collective bargaining agreements between the trial court of the commonwealth and the Service Employees International Union, Local 254; provided, however, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 1999 such amounts as may be necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers . . .	\$8,981,066

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Collective Bargaining Reserve Fund	100.0%
1599-7020 For a reserve to meet the fiscal years 1998 and 1999 costs of salary and benefit adjustments and other employee economic benefits authorized for those employees of the supreme judicial court and the appeals court who are covered by the collective bargaining agreements between the trial court of the commonwealth and the Service Employees International Union, Local 254; provided, however, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 1999, such amounts as may be necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers	\$35,368
Collective Bargaining Reserve Fund	100.0%

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Transitional Assistance.

4405-2010 For the payment of prior fiscal years' expenses for special grants recipients of the state supplemental security income program residing in rest homes; provided, that all expenditures made from this item shall be subject to the provisions of item 4405-2000 of section 2 of chapter 43 of the acts of 1997	\$250,000
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SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 1999, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations and to meet certain requirements of law, the sums set forth herein are hereby authorized from the Intragovernmental Service Fund for the several purposes specified herein or in said appropriation acts and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 1999. The sums authorized herein shall be in addition to any amounts previously authorized and made available for the purposes of said items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-3102	\$242,193
<i>Division of Human Resources.</i>	
1750-0105	\$400,000
<i>Division of Operational Services.</i>	
1775-0800	\$550,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of Correction.

8900-0021	\$1,000,000
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SECTION 3. Section 9 of chapter 8 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 7 and 8, the words ", the building at 100 Nashua Street in the city of Boston".

SECTION 4. The first paragraph of section 64 of chapter 15 of the acts of 1996 is hereby amended by striking out the last sentence and inserting in place thereof the following four sentences:- Notwithstanding the provisions of section 15B of chapter 83 of the General Laws, the towns of Holden and West Boylston may assess and collect estimated sewer assessments for the costs of establishing, developing and constructing a system of sewerage and sewage treatment and disposal, or components thereof, including any design, engineering, legal, management and administrative costs, whether or not included in a contract for construction of such facilities, plus the total amount of each municipality's liability under all contracts it has entered into for the construction of such facilities. Such assessments may be apportioned over a period not to exceed 25 years. The total amount of the estimated sewer assessments shall not exceed 90 per cent of such costs, and the total of such estimated assessments shall be allocated by the same method to be used for the allocation of the actual assessments upon the completion of the work. When the final costs for establishing, developing, and constructing such facilities have been determined, each town may assess and collect actual sewer assessments.

SECTION 5. The second paragraph of said section 64 of said chapter 15 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of chapter 83 of the General Laws or any other general or special law to the contrary, the towns of Holden and West Boylston shall commit as assessments of the town any amounts certified to them by the metropolitan district commission as estimates of the amounts to be expended or the amount actually expended for the benefit of property owners in the respective towns.

SECTION 6. The third paragraph of said section 64 of said chapter 15 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The towns of Holden and West Boylston shall also cause to be recorded in the registry of deeds a list of parcels upon which special assessments are to be imposed on account of the project, which list shall constitute a lien upon the parcels as provided in chapter 80 of the General Laws.

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SECTION 7. Item 4000-0430 of section 2 of chapter 194 of the acts of 1998 is hereby amended by striking out the words "provided, that no funds shall be expended from this item for expenses incurred in prior fiscal years" and inserting in place thereof the following words:- provided, that not more than \$3,400,000 shall be expended from this item for health care services provided to recipients in prior fiscal years.

SECTION 8. Said section 2 of chapter 194 is hereby further amended by striking out item 4400-8998, inserted by section 201 of chapter 463 of the acts of 1998, and inserting in place thereof the following item:-

4400-8999 For the acquisition of computer software for the BEACON project, so-called \$1,184,500.

SECTION 9. Item 4510-0615 of said section 2 of said chapter 194 is hereby amended by striking out the figure "\$792,852" and inserting in place thereof the following figure:- \$1,183,503.

SECTION 10. Item 8910-0010 of said section 2 of said chapter 194 is hereby amended by inserting after the words "Lemuel Shattuck hospital in fiscal year 1999" the following words:- , including the costs of medical services provided to inmates in the custody of the sheriffs of counties that have privatized medical services which have not been fully reimbursed due to such privatization.

SECTION 11. Said section 2 of said chapter 194 is hereby further amended by striking out item "8910-0104".

SECTION 12. Said section 2 of said chapter 194 is hereby further amended by inserting after item 8910-0108 the following item:-

8910-0110 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampshire county \$6,886,636.

SECTION 13. Section 323 of said chapter 194 is hereby amended by striking out the tenth sentence and inserting in place thereof the following sentence:- The human resources division may expend an amount collected for all agencies under this section not to exceed \$46,109,392 for hospital physician, benefits and other costs, including administrative and personnel costs, without further appropriation.

SECTION 14. Section 2A of chapter 297 of the acts of 1998 is hereby amended by striking out item number "0810-0401" and inserting in place thereof the following item number:- 0810-0411.

SECTION 15. Item 1599-3871 of section 2A of chapter 299 of the acts of 1998 is hereby amended by adding the following words:- ; provided, that this appropriation shall expire on June 30, 2001.

SECTION 16. Item 1599-3877 of said section 2A of said chapter 299 is hereby amended by adding the following words:- ; and provided, further, that \$70,000 of the sum appropriated herein shall be made available to meet the commonwealth's obligations for fis-

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cal year 2000 pursuant to the provisions of said subsection A of section 3 of Article 30, and shall not expire until June 30, 2000.

SECTION 17. Item 1599-7009 of said section 2A of said chapter 299 is hereby amended by adding the following words:- ; and provided, further, that \$64,000 of the sum appropriated herein shall be made available to meet the commonwealth's obligations pursuant to the provisions of subsection A of section 3 of Article 20 of said agreement, and shall not expire until June 30, 2000.

SECTION 18. Section 2A of chapter 319 of the acts of 1998 is hereby amended by striking out item number "7066-0002" and inserting in place thereof the following item number:- 7066-0012.

SECTION 19. Section 2A of chapter 399 of the acts of 1998 is hereby amended by striking out item number "0320-0002" and inserting in place thereof the following item number:- 0320-0007.

SECTION 20. Said section 2A of said chapter 399 is hereby further amended by striking out item number "0322-0002" and inserting in place thereof the following item number:- 0322-0007.

SECTION 21. Item 1599-3885 of said section 2A of said chapter 399 is hereby amended by striking out the words "June 30, 2000" and inserting in place thereof the following words:- June 30, 2001.

SECTION 22. Section 2A of chapter 482 of the acts of 1998 is hereby amended by striking out item number "1599-3880" and inserting in place thereof the following item number:- 1599-3899.

SECTION 23. The state treasurer shall transfer the sum of \$1,209,922 from revenues credited to the Local Aid Fund in fiscal year 1999 to the Water Pollution Abatement Revolving Fund in the state match for federal capitalization grants received under Title VI of the federal Clean Water Act, for application pursuant to the provisions of chapter 29C of the General Laws by the water pollution abatement trust to the purposes specified in said chapter 29C.

SECTION 24. Notwithstanding the provisions of any general or special law to the contrary, any debt service on bonds or notes issued pursuant to the provisions of chapter 191, chapter 454 or chapter 455 of the acts of 1998 to finance that portion of the unfunded pension liability, so-called, of the cities of Worcester, Holyoke, and Everett applicable to school department personnel who are members of the respective city's retirement system shall be included in the computation of net school spending for the purposes of chapter 70 of the General Laws.

SECTION 25. Notwithstanding the provisions of any general or special law to the contrary, the comptroller, at the request of the superintendent of state office buildings, is hereby authorized to transfer an amount not to exceed \$190,000 from item 1102-3302 of section 2 of chapter 194 of the acts of 1998 to item 1102-3301 of said section 2 of said chapter 194.

SECTION 26. Notwithstanding the provisions of any general or special law to the contrary, the metropolitan district commission is hereby authorized to establish an expendable trust for the purpose of receiving revenues and reimbursements from the town of Holden and the town of West Boylston pursuant to a Memorandum of Understanding among said commission, the Massachusetts Water Resources Authority, the water pollution abatement trust, the department of environmental protection, the town of Holden, and the town of West Boylston for the financing of sewer construction associated with protection of the Wachusett reservoir watershed. Amounts credited to the expendable trust shall be available for expenditure, without further appropriation, by the commission for all costs associated with the Wachusett reservoir project, so-called, pursuant to the provisions of chapter 15 of the acts of 1996.

SECTION 27. Notwithstanding the provisions of any general or special law to the contrary, the department of environmental protection shall amend the 1998 Intended Use Plan, so-called, to include any project appearing on the 1998 priority list for which a prior approval letter was issued on or before March 29, 1999.

SECTION 28. The provisions of section 26 of this act shall expire on June 30, 2003.

Approved June 3, 1999.

Chapter 21. AN ACT AUTHORIZING CERTAIN TERMS FOR BORROWING BY THE TOWN OF SANDWICH FOR CONSTRUCTING A GOLF COURSE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter 44 of the General Laws to the contrary, the maturities of bonds issued by the town of Sandwich for design, development, construction and equipping of a municipal golf course, including a clubhouse and related structures, and also including the acquisition of land and existing buildings, improvements, equipment and furnishings and the repair and renovation of existing buildings and improvements, either shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the town treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. The first payment of principal of each issue of bonds shall be not later than one year from the estimated date of commencement of regular operation of the golf course as a municipal golf course, as determined by the town treasurer, and the last payment of principal shall be not later than 30 years from the date of the bonds. Project costs to be financed by the issue of the bonds may include interest incurred on the bonds and any bond anticipation notes for a period of up to two years after the date of the original borrowing or, if later, one year after the estimated date of commencement for regular operation of the golf

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course, as determined by the town treasurer. The town may create and maintain, from bond proceeds or other sources of funds, such reserve, replacement, maintenance and improvement funds in connection with the golf course as it may deem necessary and prudent, but the aggregate of such funds provided from bond proceeds for the project shall not exceed 10 per cent of the principal amount of the bonds issued for the project. Any net earnings derived from the investment of the proceeds of the bonds may be expended by the town treasurer to pay interest on the bonds but otherwise shall be used only for acquisition, construction, equipping, operation or maintenance of the golf course. Except as otherwise provided in this act, indebtedness incurred by the town for the golf course project shall be subject to the applicable provisions of said chapter 44.

SECTION 2. The town of Sandwich shall establish an enterprise fund for the golf course facility and its operation, which shall be subject to the provisions of section 53F of chapter 44 of the General Laws. Any available surplus in the reserve fund established under said section 53F appropriated by the town for any capital project for which borrowing may be authorized under section 7 or section 8 of said chapter 44.

SECTION 3. The vote of the town passed under Article I of the warrant for the town meeting held on March 22, 1999 authorizing bonds for the golf course project, is hereby ratified, validated and confirmed. Proceeds of the bonds issued in accordance with section 1 of this act may be used to refund any bond anticipation notes previously issued for the acquisition, design, environmental permitting and other preliminary expenses relating to the golf course project.

SECTION 4. This act shall take effect upon its passage.

Approved June 3, 1999.

Chapter 22. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 1999 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing a certain item in the general appropriation act and other appropriation acts for fiscal year 1999, the sum set forth in section 2 is hereby appropriated from the general fund for the several purposes and subject to the conditions specified therein and subject to the provisions of law regulating the disbursement of public funds, for the fiscal year ending June 30, 1999. Said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said item.

SECTION 2.
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.
Department of Environmental Management.

Chapter 23. AN ACT RELATIVE TO THE SOMERVILLE BUDGET.

SECTION 1. Notwithstanding the provisions of section 32 of chapter 44 of the General Laws or any other general or special law to the contrary, the mayor of the city of Somerville may submit the annual budget to the board of aldermen not later than July 31, 1999. The city may maintain a continuing appropriation budget until annual budget appropriations are made for the fiscal year beginning July 1, 1999.

Approved June 15, 1999.

Be it enacted, etc., as follows:

SECTION 1. Subsection (c) of section 38H of Chapter 59 of the General Laws, as amended by section 3 of chapter 481 of the acts of 1998, is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, the town of Plymouth, acting through its board of selectmen, may enter into a certain agreement dated March 16, 1999 with the Boston Edison Company relating to property taxes, payments in addition to property taxes, payments in lieu of property taxes for the Pilgrim Nuclear Power Station, as that property is defined in the agreement, for the fiscal years 1998 to 2012, inclusive. Such agreement is hereby authorized, ratified, validated and confirmed in all respects as satisfying all Boston Edison Company's obligations under this section with respect to agreements relating to property taxes, payments in addition to property taxes and payments in lieu of property taxes for the Pilgrim Nuclear Power Station.

Approved June 16, 1999.

Chapter 25. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2000, PRIOR TO FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID FISCAL YEAR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the amount of \$1,475,000,000 is hereby appropriated for the fiscal year ending June 30, 2000, to meet necessary expenditures prior to the enactment into law of the general appropriation act for said fiscal year, for the maintenance and operations of the several departments, boards, commissions, and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services, and for meeting certain requirements of law; provided, that the authorization contained herein shall cease to be operative as of the effective date of said general appropriation act, and all actions taken under this section shall apply against said general appropriation act; provided further, that all expenditures made under this authorization shall be consistent with appropriations made in said general appropriation act.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on June 30, 1999, but which are necessary to fund obligations during July 1999, are hereby re-authorized through July 31, 1999; provided, that the re-authorizations contained herein shall terminate upon enactment of capital account extension legislation.

SECTION 3. The second sentence of the first paragraph of section 2E of chapter 88 of the acts of 1997 is hereby amended by striking out the figure "1999" and inserting in place thereof the following figure:- 2000.

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, the state treasurer shall make an advance payment of municipal reimbursement or payments owed to the Essex Agricultural and Technical Institute in fiscal year 2000, in such amount as shall be recommended by the commissioner of revenue for the purpose of making payroll expenditures at said Institute. The advance payment shall be made on or after July 1, 1999.

SECTION 5. Sections 1 and 4 of this act shall take effect on July 1, 1999. Sections 2 and 3 shall take effect on June 30, 1999.

Approved June 28, 1999.

Chapter 26. AN ACT MAKING AN APPROPRIATION FOR FISCAL YEAR 1999 TO PROVIDE FOR SUPPLEMENTING A CERTAIN EXISTING APPROPRIATION.

Be it enacted, etc., as follows:

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SECTION 1. To provide for supplementing a certain item in the general appropriation act and other appropriation acts for fiscal year 1999, the sum set forth in section 2 is hereby appropriated, unless otherwise designated, from the Highway Fund for the several purposes and subject to the conditions specified therein and subject to the provisions of law regulating the disbursement of public funds, for the fiscal year ending June 30, 1999. Said sum shall be in addition to any amounts previously appropriated and made available for the purpose of said item.

SECTION 2.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6010-0001 \$1,215,109

SECTION 3. This act shall take effect upon its passage.

Approved June 28, 1999.

Chapter 27. AN ACT RELATIVE TO THE SALE OF ALCOHOLIC BEVERAGES ON CERTAIN HOLIDAYS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the sale of alcoholic beverages on certain holidays, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 6 of chapter 136 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 183 to 185, inclusive, the words "or on a legal holiday as defined in clause eighteenth of section seven of chapter four when said holiday occurs on one of the Sundays described herein" and inserting in place thereof the following words:- or on Christmas day if Christmas occurs on a Sunday.

Approved July 1, 1999.

Chapter 28. AN ACT AUTHORIZING CERTAIN EXPENDITURES BY THE TOWN OF WEBSTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or charter provision to the contrary, the town of Webster may expend funds in the absence of an appropriation for a period commencing on July 1, 1999 and ending on September 30, 1999.

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Expenditures made under authority of this act shall be authorized by the board of selectmen of said town with the approval of the director of accounts in the department of revenue.

SECTION 2. Pursuant to section 1, during each calendar month, the town may expend not more than one-twelfth of its budget for the preceding fiscal year.

SECTION 3. The spending authority under this act shall expire at such time as the annual budget for fiscal year 2000, as adopted and approved by the town meeting, shall become effective.

SECTION 4. To the extent that the director of accounts authorizes spending pursuant to section 31 of chapter 44 of the General Laws in the town of Webster during the period from July 1, 1999 to the effective date of this act, such authorizations are hereby ratified, approved and confirmed.

SECTION 5. This act shall take effect upon its passage.

Approved July 1, 1999.

Chapter 29. AN ACT PROVIDING FOR THE ELECTION OF A TOWN CLERK IN THE TOWN OF BELCHERTOWN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 353 of the acts of 1993 is hereby repealed.

SECTION 2. The town clerk of the town of Belchertown shall be elected for a term of not more than three years.

SECTION 3. Notwithstanding the provisions of sections 1 and 2, the incumbent in the office of town clerk on the effective date of this act shall continue to hold said office and perform the duties thereof until the expiration of the term for which said individual was appointed and the election and qualification of a successor or until said incumbent otherwise vacates such office.

SECTION 4. This act shall take effect upon its passage.

Approved July 2, 1999.

Chapter 30. AN ACT AUTHORIZING THE CITY OF BOSTON TO CONVEY CERTAIN LAND TO THE BOSTON HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, including, without limiting the generality hereof, the provisions of chapter 30B of the General Laws, the city of Boston may convey certain park land located in the city, for nominal consideration, to the Boston Housing Authority for housing, roadway, utility, infra-

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structure and related purposes. The land shall be within the area shown on a plan of land entitled "Subdivision Plan of Orchard Park", dated October 13, 1998, revised October 26, 1998, drawn by Judith Nitsch Engineering, Inc. and shall amount to .45 acres more or less.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, including, without limiting the generality hereof, the provisions of chapter 30B of the General Laws, the city of Boston may convey certain park land located in the city, for nominal consideration, to the Boston Housing Authority for housing, roadway, utility, infrastructure and related purposes. The parcel is described in a deed to the city of Boston, recorded with the Suffolk Registry of Deeds in Book 1547, Page 293.

SECTION 3. In consideration for the conveyances authorized in sections 1 and 2, the Boston Housing Authority shall convey to the city of Boston certain land located in the Orchard Park public housing development, notwithstanding the provisions of any general or special law to the contrary, including, without limiting the generality hereof, the provisions of chapter 30B of the General Laws. The land shall be within the area shown as "Orchard Park" on the plan described in section 1 and shall amount to at least the same amount of land as is transferred pursuant to sections 1 and 2.

SECTION 4. This act shall take effect upon its passage.

Approved July 8, 1999.

Chapter 31. AN ACT VALIDATING A CERTAIN VOTE PASSED BY THE TOWN OF WESTBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the vote passed by the voters of the town of Westborough at the election held on March 2, 1999 to exempt from the provisions of section 21C of chapter 59 of the General Laws, the amounts required to pay for the bonds to be issued in order to construct, equip and furnish an addition to the Westborough high school; to design, remodel, reconstruct and make extraordinary repairs to the current high school or its original equipment; and to design, construct, equip and furnish a new elementary school including, land or easement acquisition costs, is hereby ratified, validated and confirmed, notwithstanding any defect or omission in the calling of said election as it relates to said vote.

SECTION 2. This act shall take effect upon its passage.

Approved July 8, 1999.

Chapter 32. AN ACT ESTABLISHING THE OFFICE OF TREASURER-COLLECTOR IN THE TOWN OF WESTBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. The office of treasurer-collector of the town of Westborough is hereby established. The treasurer-collector shall be appointed by the board of selectmen for a term not to exceed three years and shall have all the powers and duties vested in the office of treasurer and the office of collector. A vacancy in the office of treasurer-collector shall be filled in a like manner for the unexpired term.

SECTION 2. Notwithstanding the provisions of section 1, the incumbent in the office of treasurer upon the effective date of this act shall hold the office of treasurer until the expiration of his term or earlier vacating of office.

SECTION 3. Paragraph (a) of section 3-1 of article 3 of the charter of the town of Westborough which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the word ", treasurer".

SECTION 4. Paragraph (d) of section 3-2 of said article 3 of said charter is hereby amended by striking out, in the first sentence, the words "tax collector" and inserting in place thereof the following words:- treasurer-collector.

SECTION 5. Said article 3 of said charter is hereby further amended by striking out section 3-8.

SECTION 6. The last paragraph of section 6-6 of article 6 of said charter is hereby amended by striking out, in the first sentence, the words "town treasurer" and inserting in place thereof the following words:- treasurer-collector.

Approved July 8, 1999.

Chapter 33. AN ACT RELATIVE TO THE WEST BOYLSTON WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 352 of the acts of 1933 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The board of water commissioners of said district shall consist of five members.

SECTION 2. In the year 1999, one member shall be elected for a term of three years, one member for a term of two years and one member for a term of one year. Thereafter, all members shall be elected for three year terms.

Approved July 8, 1999.

Chapter 34. AN ACT AUTHORIZING NANTUCKET COUNTY TO CONVEY CERTAIN LAND TO THE TOWN OF NANTUCKET AND THE MASSACHUSETTS AUDUBON SOCIETY, INC.

Be it enacted, etc., as follows:

SECTION 1. Nantucket county may convey certain land owned by said county, excluding public ways and bike paths, to the town of Nantucket without consideration. Said land consists of the following parcels:- 22 Federal Street, Smith's Point Shore Reservation Properties (Land Court Plan No. 2408P, dated May 16, 1912, on file with Certificate No. 86: Block 64: Parcels 3-22, 27-32, 35-36, 41-42, 45-46; Block 65: Parcels 3-8, 11-22, 25-32, 35-48; Land Court Plan No. 2408Q, dated June 16, 1912, on file with Certificate No. 99: Block 69: Parcels 1-8, 11-12, 19-20, 23-41; Block 70: Parcels 1-20, 27-42, 47-48; Block 71: Parcels 3-12, 15-23; Land Court Plan No. 2408R, dated June 25, 1912, on file with Certificate No. 127: Block 78: Parcels 10-23; Block 79: Parcels 7-10, 17-18; Block 77: Parcels 1-5, 10-15; Block 76: Parcels 1-8, 10, 12-29; Land Court Plan No. 2408S, dated September 9, 1912, on file with Certificate No. 165: Block 51: Parcels 1-3; Block 56: Parcels 27-30, 33-48, 51-52; Block 57: Parcels 1-2, 10-11, 38, 43-46; Block 58: Parcels 1-5, 9-30; Land Court Plan No. 2408T, dated November 21, 1912, on file with Certificate No. 195: Block 66: Parcels 1-13, 16-19, 26-29, 32-47; Block 68: Parcels 1-8; Block 79: Parcels 25-28, 36-43; Block 80: Parcels 13-24; Land Court Plan No. 2408U, dated November 26, 1912, on file with Certificate No. 196, Block 52: Parcels 7-8; Block 54: Parcels 1-2, 46-53; Block 80: Parcels 29-31; and the parcel(s) of land consisting of the area of the former ways known as Missouri Avenue, Wisconsin Avenue (between Kentucky Street and New York Avenue), Illinois Avenue, Virginia Avenue, Louisiana Street, Kentucky Street (south of intersection with Wisconsin Avenue), Ohio Street (south of intersection with Wisconsin and northerly between Wisconsin Avenue and New York Avenue), Nevada Avenue and Maryland Street (south of intersection with Texas Street to Wisconsin Avenue and between Virginia Avenue and Wisconsin Avenue), and Unnamed Street (See Land Court Plan 2408P) exempting: Nevada Street (all); Maryland Street (between Texas Street and southerly lot lines of 2408S Block 56: Lot 26 and Block 51: Lot 4); Missouri Avenue (between Maryland Street and northerly lot lines of 2408T, Block 66: Lot 20 and Block 67: Lot 8); Ohio Street (between the southerly lot line of 2408T, Block 66: Lot 23 and 2408S, Block 56: Lot 1 and New York Avenue) Ester's Island Road; miscellaneous parcels at Smith's Point and Madaket and Shore Reservation at South Beach properties (Washington Street Extension Bicycle Path Easement Plan, Nantucket, Massachusetts, dated October 22, 1996, by Blackwell and Associates, Inc., on file at the Nantucket registry of deeds, Plan 48-O: P-2, P-3, P-5, P-6, P-7, P-8, P-10, P-11, P-12, P-13, P-16, P-18, P-20, P-21, P-22, P-25, P-26, P-27; and the following easements as shown on the above referenced plan: E-3, E-4, E-5, E-6, E-7).

SECTION 2. A majority of the voters at an annual or special town meeting shall approve acceptance of any and all conveyances authorized hereunder prior to such conveyance taking effect.

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SECTION 3. Nantucket county may convey the following parcels of land to the Massachusetts Audubon Society, Inc., which were acquired for open space and recreational purposes, and which are owned by said county: Land Court Plan No. 2408S, dated September 9, 1912, on file with Certificate No. 165: Block 51: Parcels 4-14; Block 55: Parcels 1-13, 18-27, 32-44, 48-57; Block 56: Parcels 1-16, 19-26; Land Court No. 2408T, dated November 21, 1912, on file with Certificate No. 195: Block 66: Parcels 20-21; Block 67: Parcels 6-11; Land Court Plan No. 2408U, dated November 26, 1912, on file with Certificate No. 196: Block 52: Parcels 1-6; Block 54: Parcels 12-24, 26-45 and the parcel(s) of land consisting of the area of the former ways as follows: Nevada Street (all); Maryland Street (between Texas Street and southerly lot lines of 2408S; Block 56: Lot 26 and Block 51: Lot 4); Missouri Avenue (between Maryland Street and northerly lot lines of 2408T: Block 66: Lot 20 and Block 67: Lot 8); Ohio Street (between southerly lot line of 2408T: Block 66: Lot 23 and 2408S: Block 56: Lot 1 and New York Avenue).

SECTION 4. The provisions of chapter 30B of the General Laws and any rights of first refusal in the commonwealth under the provisions of section 14 of chapter 34 of the General Laws shall not be applicable to any conveyance authorized hereby.

SECTION 5. The provisions of section 3 shall be subject to the terms and conditions of the Memorandum of Agreement between the county commissioners of Nantucket county and the Massachusetts Audubon Society, Inc., as agreed upon on January 24, 1997. If the land conveyed under section 3 ceases to be used at any time as set forth in the Memorandum of Agreement, the land, upon notice by Nantucket county to the Massachusetts Audubon Society, Inc., shall revert to Nantucket county.

SECTION 6. This act shall take effect upon its passage.

Approved July 9, 1999.

Chapter 35. AN ACT RELATIVE TO THE CONVEYANCE OF CERTAIN LAND FROM NANTUCKET COUNTY TO THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. Nantucket county may convey to the town of Nantucket land owned by the county, without consideration therefor and without further hearings, and to take whatever actions are necessary to transfer ownership of the land subject to the provisions of section 3; but no conveyance shall include public ways and bike paths.

Such conveyance may include but need not be limited to the following parcels:

29 Vesper Lane, also known as Lot 15 on a Plan recorded in Nantucket Registry Book 24, Page 84;

0 Polpis Road, being also shown as Assessor's Map 54, Parcel 94.1;

Lot 7 in Block 18 on Land Court Plan 2408W on Massachusetts Avenue;

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Lots 1, 2, 3, 4, 5, 6 in Block 18 on Land Court Plan 2408W on Massachusetts Avenue;

the following parcels of land located at Smith's Point:

Map-Parcel	Address
60.3.4-310	Rhode Island Avenue
60.3.4-34	0 Rhode Island Avenue
60.3.4-18	0 Rhode Island Avenue
60.3.1-38	57 New Hampshire Avenue
60.3.1-300	20 Maine Avenue
60.3.1-230	00 Vermont Avenue
60.3.1-236	00 Vermont Avenue
60.3.1-238	00 Vermont Avenue
60.3.1-234	00 Vermont Avenue
60.3.1-240	00 Vermont Avenue
60-65 to 70	00 California Avenue
60.3.1-307	00 California Avenue
60.3.1-46	56 New Hampshire Avenue
60.3.1-226	00 Vermont Avenue
60.3.1-50	52 New Hampshire Avenue
60.3.4-23	00 Rhode Island Avenue
60.3.1-256	00 Vermont Avenue
60.3.1-250	00 Vermont Avenue
60.3.1-252	00 Vermont Avenue
60.3.1-262	00 Vermont Avenue
60.3.1-266	00 Vermont Avenue
60.3.1-298	24 Maine Avenue
60.3.1-52 & 56	00 Vermont Avenue
60.3.4-25	00 Rhode Island Avenue
60.3.4-39	00 Delaware Avenue
60-73, 74	00 Maine Avenue
60-71, 72	00 California Avenue

Assessor's Map 78, Parcel 4, also described as the Proprietor's South Pasture Land.

SECTION 2. The provisions of chapter 30B of the General Laws and any right of first refusal by the commonwealth pursuant to the provisions of section 14 of chapter 34 of the General Laws shall not apply to any conveyance authorized by this act.

SECTION 3. No conveyance authorized by this act shall take effect until approved by a majority of the voters at an annual or special town meeting.

SECTION 4. This act shall take effect upon its passage.

Approved July 9, 1999.

Chapter 36. AN ACT RELATIVE TO THE REDEVELOPMENT OF THE FORMER LAWRENCE MILLS PROPERTY IN THE CITY OF LOWELL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the redevelopment of certain property in the city of Lowell, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. As used in this act, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

"Commissioner", the commissioner of the division of capital asset management and maintenance;

"Committee", the Lawrence Mills Reuse Committee, which shall include three representatives of the city of Lowell, three representatives of the University of Massachusetts at Lowell, one representative of the division of capital asset management and maintenance and the senators and representatives who represent the city as ex-officio members;

"Developer", a person, entity or governmental body that acquires an ownership or leasehold interest in the site, as hereinafter defined, or any portion thereof pursuant to this act;

"Division", the division of capital asset management and maintenance;

"Plan", a reuse plan which shall be prepared by the committee and which shall be approved by the commissioner and filed in accordance with section 2, which plan may be enhanced, refined or amended from time to time as provided in this act and which shall include uses by the University of Massachusetts at Lowell, uses that promote private economic development related to the University of Massachusetts at Lowell, private uses that benefit the city of Lowell and the University of Massachusetts at Lowell and public uses that will benefit the city of Lowell;

"Selection committee", the proposal selection committee established to review proposals and make recommendations to the commissioner, which shall include one representative of the city of Lowell, one representative of the University of Massachusetts at Lowell, one representative of the division of capital asset management and maintenance, and two representatives of the Lawrence Mills Reuse Committee;

"Site", the 13 acres, more or less, of state owned land located in the city of Lowell known as the former Lawrence Mills, together with the buildings and improvements thereon, and the rights, easements and other interests appurtenant thereto.

SECTION 2. The commissioner shall undertake planning, studies and preparation of plans and specifications necessary to carry out the provisions of this act consistent with the plan. The committee shall file the plan with the commissioner within 180 days after the effective date of this act. The commissioner shall consult with the committee on any amendment to the plan and shall develop, issue and advertise requests for proposals consistent with

the plan within 90 days of receipt of said plan. Upon receipt of proposals the commissioner shall convene the selection committee for the purpose of reviewing and making recommendations regarding selection to said commissioner.

SECTION 3. The commissioner may, subject to the provisions of sections 40E to section 40J, inclusive, of chapter 7 of the General Laws, and in accordance with this act and the plan and subject to such terms and conditions as the commissioner may from time to time prescribe, solicit, evaluate and select development proposals, enter into land disposition agreements, sell, lease for a term or terms of up to 99 years including extensions or otherwise grant, convey or transfer to a developer, any interest in the site or portions thereof and any facilities, associated improvements or appurtenances thereon, on such terms and conditions as the commissioner deems appropriate. The amount of consideration for the sale, lease or other disposition of any interest in the site or portion thereof shall be full and fair market value of the property determined by independent appraisal. The inspector general shall review and comment on said appraisal and said review shall include an examination of the methodology used for said appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. The developer shall be responsible for any costs of appraisals, surveys and other expenses relating to the transfer of said parcel or for any costs, liabilities and expenses of any nature and kind for the development, maintenance or operation of said parcel. In the event said parcel of land ceases to be used at any time for the purposes contained herein, said parcel of land shall revert to the care and control of the division of capital asset management and maintenance and any further disposition of said parcel of land shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws. The commissioner shall, 30 days before the execution of any agreement or amendment thereto authorized by this act, submit the agreement or amendment and a report thereon to the inspector general for review and comment. The inspector general shall issue his review and comment within 15 days after receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days before execution.

SECTION 4. The commissioner may, subject to appropriation, and subject to sections 40E to 40G, inclusive, and 40I and 40J, of chapter 7 of the General Laws or any other general or special law to the contrary, retain, accept or acquire by purchase, transfer, lease, eminent domain, pursuant to chapter 79 of the General Laws or otherwise, grant by deed, transfer, lease, eminent domain, pursuant to said chapter 79 or otherwise, or grant by deed, transfer, lease or otherwise, any rights-of-way or easements, in, over and beneath the site or portions thereof or other property in the commonwealth contiguous to the site for drainage, access, egress, utilities and other purposes, as the commissioner deems necessary and appropriate to carry out the purposes of this act.

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SECTION 5. The University of Massachusetts, with the approval of the commissioner, may enter into contracts for the provision of building management services for buildings and facilities located on the site.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary, the commissioner may employ designers who prepare studies or programs or other design services for the construction, renovation, reconstruction, alteration, improvement, demolition, expansion or repair of buildings on the Lawrence Mills property to prepare plans and specifications and provide any other design services deemed necessary by the commissioner for such projects. The commissioner shall obtain an independent comprehensive value engineering review of the completed study and program to identify proposed functions of the facility, evaluate the construction cost estimates, calculate estimated life-cycle cost and develop recommended design changes that will produce a more cost-effective facility by modifying or eliminating features that add cost but do not add to the quality, useful life, utility or appearance of the facility. The commissioner shall obtain an independent comprehensive value engineering review of the completed schematic design documents to identify proposed functions of the facility, evaluate the construction cost estimates, calculate estimated life-cycle costs and develop recommended design changes that will produce a more cost-effective facility by modifying or eliminating features that add cost but do not add to the quality, useful life, utility or appearance of the facility before the acceptance by the commissioner. The commissioner shall document the reasons for accepting, modifying or rejecting all value engineering recommendations.

Approved July 9, 1999.

Chapter 37. AN ACT FURTHER EXTENDING THE TIME FOR WHICH CERTAIN LAND IN NORFOLK COUNTY MAY BE USED AS A TEMPORARY MINIMUM SECURITY ALTERNATIVE CORRECTION CENTER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further extend the time for which certain land in Norfolk county may be used as a temporary minimum security alternative correction center, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 109 of the acts of 1987 is hereby amended by striking out the second paragraph, as most recently amended by chapter 38 of the acts of 1997, and inserting in place thereof the following paragraph:-

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The center shall remain in operation only until June 30, 2001. If the operation of the facility or the placement of inmates within the facility is removed from the control of the Norfolk county sheriff, the provisions of this act shall terminate within 90 days after such removal.

SECTION 2. This act shall take effect as of June 30, 1999.

Approved July 15, 1999.

Chapter 38. AN ACT AUTHORIZING THE TOWN OF MILFORD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Milford may issue an additional license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section 12 of said chapter 138. The license shall be subject to all the provisions of said chapter 138 except said section 17.

SECTION 2. This act shall take effect upon its passage.

Approved July 22, 1999.

Chapter 39. AN ACT AUTHORIZING THE TOWN OF SHIRLEY TO ESTABLISH A SEWER COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Shirley may establish a board of sewer commissioners, to manage and direct the operations of the sanitary sewer collection system in said town and to represent the town in regard to shared use of wastewater treatment facilities with other municipalities or entities, including the Devens Regional Enterprise Zone established by chapter 498 of the acts of 1993, in accordance with the provisions of this act. The board of sewer commissioners shall have all the powers and perform the duties of sewer commissioners as set forth in section 65 of chapter 41 of the General Laws.

SECTION 2. The board of sewer commissioners shall consist of five members, at least three of whom shall reside within the sewer system service area. The initial members shall be appointed by the board of selectmen for staggered terms, as follows: one member for one year; two members for two years and two members for three years. When the initial one year term expires, that position shall thereafter be filled by appointment by the board of

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selectmen, each appointment to be for a term of three years and the appointee to reside within the sewer system service area. When the initial two year and three year terms expire, one position in each of such years, and thereafter, shall be filled by election, at large, at the annual town election, for a term of three years; and one position in each of such years, and thereafter, shall be filled by appointment by the board of selectmen for a term of three years, the appointees to reside within the sewer system service area.

SECTION 3. The town of Shirley is hereby authorized to apportion sewer connection privilege fees pursuant to section 17 of chapter 83 of the General Laws and the town's sewer system by-law in the same manner as betterment assessment may be apportioned under chapter 80 of the General Laws.

SECTION 4. This act shall take effect upon its passage.

Approved July 22, 1999.

Chapter 40. AN ACT AUTHORIZING THE TOWN OF ASHLAND TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Ashland may issue one additional restaurant license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section 12 of said chapter 138. Such license shall be subject to all the provisions of said chapter 138 except said section 17.

SECTION 2. This act shall take effect upon its passage.

Approved July 22, 1999.

Chapter 41. AN ACT VALIDATING THE RESULTS OF THE SPECIAL TOWN ELECTION HELD IN THE TOWN OF NORTH BROOKFIELD ON JULY 12, 1999.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings taken by the town of North Brookfield at the special town election held on July 12, 1999 and all actions taken pursuant thereto are hereby ratified, validated, and confirmed, notwithstanding any defect or omission in posting the warrant for said election.

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SECTION 2. This act shall take effect upon its passage.

Approved July 27, 1999.

Chapter 42. AN ACT RELATIVE TO THE REDEVELOPMENT OF THE MAYOR MICHAEL J. NEVILLE MANOR NURSING HOME IN THE CITY OF CAMBRIDGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith accessible, affordable and high quality nursing home care and mixed-income assisted living, for the residents of Cambridge and surrounding communities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. As used in this act, the following words, unless the context clearly requires otherwise, have the following meanings:-

"Assisted living facility", a facility which provides room and board and provides, directly by employees or through arrangements with another organization, assistance with activities of daily living for elderly residents.

"City", the city of Cambridge.

"City manager", the city manager for the city of Cambridge.

"Commission", the Cambridge public health commission.

"Corporation", Neville Communities, Inc., a not-for-profit corporation incorporated under chapter 180 of the General Laws and selected after public solicitation by the commission as the owner and operator of the project, which corporation's board of directors consists or will consist upon substantial completion of the project of representatives of the following agencies: Cambridge Housing Authority, city of Cambridge, Cambridge public health commission and the city of Cambridge affordable housing trust fund board.

The board of directors shall consist of five members with Cambridge Housing Authority having two representatives, the city of Cambridge having one representative, the Cambridge public health commission having one representative, and the affordable housing trust fund board with one representative who shall be appointed by the city manager. The corporation will at all times be controlled by a public entity or entities. The corporation includes any entity controlled by the corporation or any successor entity to the corporation and engaged in the activities in furtherance of the purposes contemplated by this act.

"Nursing home", a facility currently or prospectively defined as such by the department of public health or any successor agency, pursuant to chapter 111 of the General Laws.

"Project", the redevelopment of the Mayor Michael J. Neville Manor Nursing Home, located on the project site, adjacent structures and the project site upon which they are situated into a new nursing home or mixed-income assisted living facility, and the operation thereof.

"Project site", the real property transferred by the Cambridge city council on January 31, 1928 from the Cambridge water board to the Cambridge board of public welfare. The parcel of land is shown upon a plan entitled "Home for the Aged and Infirm of the City of Cambridge", drawn by Charles R. Greco, being Plot Plan Number 1 and on file in the office of the city engineer of the city of Cambridge.

SECTION 2. The provisions of sections 20 to 23, inclusive, of chapter 40B of the General Laws relative to comprehensive permits, including zoning relief to the zoning board of appeals of the city shall apply to the development of the project with the exception of any required water board approval.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the following uses shall be permitted on the project site: nursing home, assisted living facility, local water board and other municipal uses related to the care and maintenance of Fresh Pond and all uses specifically related thereto.

SECTION 4. The total square footage of building footprint for all buildings on the project site shall not exceed 51,034 square feet, and the total usable floor area in said buildings shall not exceed 150,000 square feet. Upon final design of the project all specific portions of the project site not required for the project shall be identified by metes and bounds and the corporation, the commission and the city shall take all necessary steps to return full control and ownership of said portion to the city, and the city shall take all necessary steps to dedicate said portions for water supply purposes and return them to the care and supervision of the Cambridge water board.

SECTION 5. The corporation shall be subject to the provisions that apply to the commission pursuant to section 12 of chapter 147 of the acts of 1996.

SECTION 6. The provisions of services to the corporation, or actions taken on behalf of the corporation, or actions in relation to transactions between the corporation and other public entities represented on the board of directors of the corporation, by any individual otherwise subject to chapter 268A of the General Laws, shall not be deemed to violate the provisions of sections 19 and 20 of said chapter 268A.

SECTION 7. Any lease of land to the project by the city shall contain a provision that the percentage of low and moderate income units proposed for the project in tax credit applications shall not be reduced at any time.

Approved July 29, 1999.

Chapter 43. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2000, PRIOR TO FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID FISCAL YEAR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the amount of \$1,460,000,000 is hereby appropriated for the fiscal year ending June 30, 2000, to meet necessary expenditures prior to the enactment into law of the general appropriation act for said fiscal year, for the maintenance and operations of the several departments, boards, commissions, and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services, and for meeting certain requirements of law; provided, however, that said amount shall be in addition to the amount made available for said purposes in section 1 of chapter 25 of the acts of 1999; provided, further, that the authorization contained herein shall cease to be operative as of the effective date of said general appropriation act, and all actions taken under this section shall apply against said general appropriation act; and provided, further, that all expenditures made under this authorization shall be consistent with appropriations made in said general appropriation act.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on July 31, 1999, but which are necessary to fund obligations during August 1999, are hereby re-authorized through August 31, 1999; provided, however, that the re-authorizations contained herein shall terminate upon enactment of capital account extension legislation.

SECTION 3. Section 1 shall take effect as of July 1, 1999. Section 2 shall take effect as of June 30, 1999.

Approved July 30, 1999.

Chapter 44. AN ACT RELATIVE TO THE FILING DEADLINE FOR NOMINATION PAPERS FOR PRESIDENT OF THE UNITED STATES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, every nomination paper of a candidate for president at the presidential primary to be held on March 7, 2000, shall be submitted to the registrars of the city or town in which the signers appear to be voters not later than 12:00 noon on December 23, 1999.

Emergency Letter: 8/4/99 @ 11:28 A.M.

Approved August 4, 1999.

Chapter 45. AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 4 of chapter 605 of the acts of 1986 is hereby amended by striking out the figure "\$85,320", inserted by section 1 of chapter 223 of the acts of 1997, and inserting in place thereof the following figure:- \$92,350.

SECTION 2. This act shall take effect as of July 1, 1999.

Approved August 4, 1999.

Chapter 46. AN ACT AUTHORIZING THE CITY OF MARLBOROUGH TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the city of Marlborough may issue an additional license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section 12 of said chapter 138 to the Marlborough Masonic Corporation in said city. The license shall be subject to all of the provisions of said chapter 138 except said section 17. The licensing authority shall not approve the transfer of the license to any other location.

SECTION 2. This act shall take effect upon its passage.

Approved August 4, 1999.

Chapter 47. AN ACT INCREASING THE MINIMUM WAGE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 151 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words "five dollars and twenty-five cents" and inserting in place thereof the following figure:- \$6.00.

SECTION 2. Said section 1 of said chapter 151 is hereby further amended by striking out the figure "\$6.00", inserted by section 1, and inserting in place thereof the following figure:- \$6.75.

SECTION 3. Said section 1 of said chapter 151, as appearing in the 1998 Official Edition, is hereby further amended by adding the following sentence:- Notwithstanding the provisions of this section, in no case shall the minimum wage rate be less than \$.10 higher than the effective federal minimum rate.

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SECTION 4. Section 7 of said chapter 151, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following two paragraphs:-

The commissioner shall not establish minimum fair wage rates below \$1.85 per hour, except for learners and apprentices, and except for ushers, ticket sellers and ticket takers whose minimum fair wage rates shall not be below \$1.25, and except for janitors and caretakers of residential property, who, when furnished with living quarters, shall be paid a wage of not less than \$36 per week, and except for services as golf caddies, and except for service people who customarily and regularly receive more than \$20 a month in tips.

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee which for purposes of such determination shall be not less than the cash wage required to be paid such an employee on July 1, 1999; and (2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in clause (1) and the wage in effect under section 1. The additional amount on account of tips may not exceed the value of the tips actually received by an employee. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

SECTION 5. The joint committee on commerce and labor shall conduct a study of establishing a minimum wage rate for entry level workers under 19 years of age. The committee shall file the results of its study, together with drafts of legislation, if necessary, with the clerk of the house of representatives on or before the third Wednesday in December, 1999.

SECTION 6. Section 1 of this act shall take effect on January 1, 2000.

SECTION 7. Section 2 of this act shall take effect on January 1, 2001.

Approved August 11, 1999.

Chapter 48. AN ACT AUTHORIZING THE TOWN OF WALPOLE TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Walpole may issue to Jimmy's Pizzeria, a license for the sale of wines and malt beverages to be drunk on the premises under the provisions of section 12 of said chapter 138. Such license shall be subject to all the provisions of said chapter 138

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except said section 17.

Approved August 12, 1999.

Chapter 49. AN ACT RELATIVE TO THE ESTABLISHMENT OF A DEPARTMENT OF INTEGRATED WASTE MANAGEMENT IN THE TOWN OF BOURNE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established in the town of Bourne a department of integrated solid waste management headed by an integrated solid waste management general manager.

SECTION 2. The integrated solid waste management general manager shall be appointed by the board of selectmen. The general manager shall exercise and perform, under the supervision and direction of the board of selectmen, the powers, rights and duties transferred to the department of integrated solid waste management under section 3 and all other powers, rights and duties, as may from time to time be transferred to the department. He shall keep full and complete records of the doings of his office and shall render to the board, as often as it may require, a full report of all operations under his control during the period reported upon. He shall keep the board fully advised as to the needs of the town within the scope of his duties.

The position of integrated solid waste management general manager shall be a permanent classified position under the salary administration plan by-law of the town. The general manager shall be a person otherwise especially suited by education, training and previous experience to perform the duties of the office.

SECTION 3. The department of integrated solid waste management shall assume those duties and responsibilities and perform all of the functions related to sanitary landfill, composting and recycling, including but not limited to, those which before the adoption of this act were performed by the department of public works pursuant to chapter 495 of the acts of 1990 and shall be solely responsible for the operation of the sanitary landfill areas as well as composting and recycling areas.

SECTION 4. No person employed full-time on the effective date of this act in the highway, maintenance, park or sanitation divisions of the department of public works, shall be dismissed because of the passage hereof, nor shall any employees suffer reduction in their rank or compensation or impairment of their retirement rights or their vacations, personal days, sick days, holidays, seniority and other employee rights in the positions they held on the effective date of this act.

SECTION 5. This act shall take effect upon its passage.

Approved August 12, 1999.

Chapter 50. AN ACT AUTHORIZING THE TOWN OF HUDSON TO CONVEY AN EASEMENT ACROSS A CERTAIN PARCEL OF LAND USED FOR CONSERVATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson may sell, transfer and convey to a purchaser, selected in accordance with any applicable provisions of chapter 30B of the General Laws, an easement across a certain parcel of land located exclusively in Hudson as shown on a plan entitled "Sewer Easement, Harvard Street to Orchard Drive, Hudson, Mass." dated August 7, 1998, by Veo Associates, Inc., 8 South Street, Hudson, Mass.

SECTION 2. This act shall take effect upon its passage.

Approved August 12, 1999.

Chapter 51. AN ACT ESTABLISHING A DEPARTMENT OF INSPECTIONAL SERVICES IN THE CITY OF LYNN.

Be it enacted, etc., as follows:

SECTION 1. (a) There is hereby established in the city of Lynn a department of inspectional services which shall be responsible for the coordination and management of the inspection related activities of the city assigned by this act and for the coordination of all activities of all other city agencies in relation to any inspection services. Said department of inspectional services shall be responsible for and shall perform the following functions:

(1) coordination of all inspection functions carried out by any officer or employee of the city;

(2) maintenance in a central place of all records relating to inspections including a common index;

(3) coordination of enforcement actions for violations of any provision of the General Laws, state building code, city ordinances, rules or regulations which are subject to enforcement by any officer or employee of the city. The department of inspectional services shall be available to consumers in order to assist them in implementing the intent of this act;

(4) development of a single application form indicating all inspections which may be necessary;

(5) the rendering of advice, assistance and guidance to all city offices and agencies in any matter relating to city inspection services; and

(6) the rendering of advice, assistance and guidance to all members of the public relating to city inspection services and the development of user friendly systems for the convenience of the public.

All inspections performed by or under the authority of the building inspector, board of health, historic districts commission, inspector of gas piping and gas appliances, plumbing

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inspector, sealer of weights and measures, zoning enforcement officer and every other local inspection as may be authorized shall be coordinated through the department of inspectional services.

(b) The department of inspectional services shall be headed by a chief of inspectional services. The chief of inspectional services shall have the following specific powers and duties:

(1) to establish a full and complete inventory of all inspection services performed by any officer of the city;

(2) to establish common files, by property address, which will be accessible to all persons performing inspection services for the city containing recordings of all inspections performed by any city officer or employee; and

(3) to provide common services for all inspection related personnel and centralized location for consumers of city inspection services; the chief of inspectional services shall also be available to said consumers in order to assist them in implementing the intent of this act.

(c) The chief of inspectional services shall assure quality control by:

(1) reviewing a least 15 per cent of all inspections;

(2) expediting the issuance or denial of all permits;

(3) establishing a service manual within 90 days of appointment; and

(4) performing such other duties and responsibilities as may be established by city ordinance.

(d) The department of inspectional services shall consist of the following divisions:

(1) the division of building inspection and maintenance, which shall be responsible for the enforcement of the provisions of the state building code pertaining to buildings and other structures and shall be responsible for the ordinary maintenance of all city buildings;

(2) the division of plumbing, which shall be responsible for the enforcement of all provisions of the state building code applicable to plumbing;

(3) the division of gas fittings and gas appliances, which shall be responsible for the enforcement of all provisions of the state building code applicable to gas fittings and gas appliances;

(4) the division of electrical inspections and maintenance, which shall be responsible for the enforcement of all the provisions of the state building code applicable to electrical wires and electrical fixtures and shall be responsible for the ordinary maintenance of electrical wires and fixtures in city buildings and other structures including all city recreational facilities and for the operation and maintenance of the electrical components of the traffic regulatory signals and devices and fire alarm signals and devices;

(5) the division of health and sanitation, which shall be responsible for enforcement of all provisions of the state sanitary code promulgated by the department of public health of the commonwealth which are subject to enforcement by cities and towns and to adopt from time to time additional regulations as are necessary or desirable to protect the public health of the citizens of Lynn and to enforce all regulations so promulgated. A sealer of weights and measures shall, for administrative purposes, be within the division of health and sanitation; and

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(6) the following multiple member bodies shall, for administrative and communication purposes only, be considered to be within the department of inspectional services:

- (i) board of appeals
- (ii) board of examiners
- (iii) fence viewers
- (iv) board of health.

Nothing in this act shall be construed as giving the chief of inspectional services authority to direct the activities of any of these multiple member bodies when they are exercising their official duties.

SECTION 2. The provisions of this act shall not affect the civil service status of any of the positions within the divisions of the department of inspectional services.

SECTION 3. The mayor of the city of Lynn shall appoint a chief of inspectional services who shall be the executive and administrative head of the department subject to city council confirmation. The term of office shall be for three years without any tenure and shall not be extended, without reappointment, beyond said three year term. Such chief shall possess all the necessary qualifications, experience and certification required for an inspector of buildings or building commissioner under the provisions of chapter 143 of the General Laws.

SECTION 4. The mayor of the city of Lynn may for cause pursuant to the removal procedure established in section 6-6 of the city charter of said city remove the chief of the department of inspectional services from office before the term of appointment has expired. The city council may, for cause, by following the removal procedure established in section 3-7(d) of said city charter, by a two-thirds vote, remove the chief of said department from office before the term of appointment has expired.

SECTION 5. The appointment of a chief of inspectional services shall satisfy the requirement of chapter 143 of the General Laws as to the appointment of an inspector of buildings or building commissioner. Said chief shall be exempt from the provisions of chapter 31 of the General Laws.

SECTION 6. Division heads shall be appointed by the mayor subject to city council confirmation. The term of office shall be for three years without any tenure or rollover provisions.

SECTION 7. Division heads shall appoint all other officers and employees serving under them subject to the approval of the chief of inspectional services and the mayor.

SECTION 8. The provisions of this act shall not impair the terms and conditions of employment of any person currently employed as a division head on the effective date of this act. Division heads not employed as of the effective date of this act shall be subject to removal for cause by the chief of inspectional services after a hearing that satisfies the requirements of due process.

SECTION 9. This act shall take effect upon its passage.

Approved August 12, 1999.

Chapter 52. AN ACT AUTHORIZING THE TOWN OF ABINGTON TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Abington may issue to Duke JSK, Inc., dba The Abington Depot a license to sell all alcoholic beverages to be drunk on the premises at 101 Railroad street in said town under the provisions of section 12 of said chapter 138. Such license shall be subject to all the provisions of said chapter 138 except for said section 17. Said licensing authority shall not approve the transfer of such license to any other location.

SECTION 2. This act shall take effect upon its passage.

Approved August 12, 1999.

Chapter 53. AN ACT PROVIDING FOR AN ACCELERATED TRANSPORTATION DEVELOPMENT AND IMPROVEMENT PROGRAM FOR THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for an accelerated transportation development and improvement program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2A of chapter 11 of the acts of 1997 is hereby amended by striking out item 6033-9797.

SECTION 2. Item 6036-9716 of said section 2A of said chapter 11 is hereby amended by striking out the figure "1,158,750,000" and inserting in place thereof the following figure:- 1,625,000,000.

SECTION 2A. To provide for a program of transportation development and improvements, the sums set forth in section 2B for the several purposes and subject to the conditions specified in this act and are hereby made available subject to the provisions of law regulating the disbursement of public funds and approval thereof.

SECTION 2B.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6037-0019 For construction and reconstruction of town and county ways
pursuant to sections 2E and 2F \$150,000,000

SECTION 2C. To meet the expenditures necessary in carrying out the provisions of section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in amounts to be specified by the governor from time to time but not exceeding, in the aggregate, the sum of \$150,000,000 to be in addition to those bonds previously authorized for projects and programs which remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan, Act of 1999, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth. All such bonds shall be payable not later than June 30, 2024. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. Any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 2 O of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 2 O of said chapter 29. All special obligation revenue bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan, Act of 1999, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2024. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Fund established in said section 2 O of said chapter 29. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section 2 O of said chapter 29.

SECTION 2D. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by section 2B and may issue and renew from time to time notes of the commonwealth therefor bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of the notes, whether original or renewal, shall not be later than June 30, 2004. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Notes and interest thereon issued under

the authority of this section shall be general obligations of the commonwealth. The state treasurer may determine to issue any notes as special obligations pursuant to section 2 O of chapter 29 of the General Laws if the notes or renewals thereof are to be paid from the proceeds of special obligation bonds to be issued pursuant to said section 2 O.

SECTION 2E. The funds appropriated in item 6037-0019 of section 2B are hereby made available and shall be in addition to those funds appropriated in clause (c) of section 3 of chapter 15 of the acts of 1988, section 10 of chapter 208 of the acts of 1988, clause (c) of section 3 of chapter 33 of the acts of 1991, item 6010-3950 of section 2A of chapter 85 of the acts of 1994, item 6036-9698 of section 2A of chapter 113 of the acts of 1996, and item 6033-9798 of section 2B of chapter 11 of the acts of 1997 for projects for construction and reconstruction of town and county ways as described in subclause (a) of clause (2) of the second paragraph of section 34 of chapter 90 of the General Laws. A city or town shall comply with procedures established by the department of highways and any such city or town may appropriate for such projects amounts not in excess of the amounts provided to such city or town under this section and any such appropriation shall be considered as an available fund upon the approval of the commissioner of revenue pursuant to section 23 of chapter 59 of the General Laws. The commonwealth shall reimburse any such city or town under this section within 30 days of receipt by the department of a request for reimbursement from the city or town, such request to include certification by such city or town that actual expenses have been incurred on projects eligible for reimbursement under this section and that the work has been completed to the satisfaction of such city or town according to the specifications of the project and in compliance with applicable law. The department of highways may enter into agreements with cities and towns to provide engineering and other services essential to the development of projects and if the department agrees to provide services, amounts charged for department employees may include the salary and salary-related expenses of such employees to the extent that they work on or in support of such projects. The funds provided herein may be expended for the entire cost of any project eligible under the provisions of said chapter 90 and for the transportation enhancement project as described in the Intermodal Surface Transportation Efficiency Act of 1991, PL 102-240 and for the repair, replacement or removal of underground municipal public works fuel tanks.

SECTION 2F. Notwithstanding the provisions of any general or special law to the contrary, the funds authorized in item 6037-0019 of section 2B shall be distributed according to the schedule listed below:-

ABINGTON	\$291,772
ACTON	\$520,102
ACUSHNET	\$222,025
ADAMS	\$237,940
AGAWAM	\$519,250
ALFORD	\$58,361
AMESBURY	\$321,020

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AMHERST	\$603,950
ANDOVER	\$1,018,727
AQUINNAH	\$27,787
ARLINGTON	\$633,674
ASHBURNHAM	\$256,050
ASHBY	\$181,288
ASHFIELD	\$235,172
ASHLAND	\$304,840
ATHOL	\$402,515
ATTLEBOROUGH	\$955,388
AUBURN	\$453,494
AVON	\$156,681
AYER	\$180,666
BARNSTABLE	\$1,571,849
BARRE	\$350,102
BECKET	\$190,580
BEDFORD	\$467,966
BELCHERTOWN	\$429,099
BELLINGHAM	\$371,690
BELMONT	\$414,012
BERKLEY	\$167,400
BERLIN	\$149,592
BERNARDSTON	\$146,813
BEVERLY	\$760,565
BILLERICA	\$811,054
BLACKSTONE	\$180,054
BLANDFORD	\$207,088
BOLTON	\$214,140
BOSTON	\$11,013,879
BOURNE	\$458,348
BOXBOROUGH	\$128,317
BOXFORD	\$321,266
BOYLSTON	\$150,551
BRAINTREE	\$805,579
BREWSTER	\$248,152
BRIDGEWATER	\$512,826
BRIMFIELD	\$223,435
BROCKTON	\$1,518,606
BROOKFIELD	\$131,220
BROOKLINE	\$748,861
BUCKLAND	\$144,648

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BURLINGTON	\$709,942
CAMBRIDGE	\$1,995,761
CANTON	\$566,381
CARLISLE	\$179,680
CARVER	\$304,963
CHARLEMONT	\$145,432
CHARLTON	\$450,311
CHATHAM	\$261,763
CHELMSFORD	\$818,146
CHELSEA	\$399,739
CHESHIRE	\$161,356
CHESTER	\$191,434
CHESTERFIELD	\$175,417
CHICOPEE	\$967,337
CHILMARK	\$51,584
CLARKSBURG	\$55,062
CLINTON	\$256,740
COHASSET	\$161,355
COLRAIN	\$263,250
CONCORD	\$535,167
CONWAY	\$212,696
CUMMINGTON	\$161,419
DALTON	\$186,681
DANVERS	\$687,114
DARTMOUTH	\$833,785
DEDHAM	\$497,270
DEERFIELD	\$304,430
DENNIS	\$541,254
DIGHTON	\$218,211
DOUGLAS	\$263,740
DOVER	\$194,409
DRACUT	\$570,074
DUDLEY	\$326,474
DUNSTABLE	\$126,516
DUXBURY	\$399,188
EAST BRIDGEWATER	\$224,529
EAST BROOKFIELD	\$74,720
EAST LONGMEADOW	\$447,101
EASTHAM	\$196,112
EASTHAMPTON	\$375,543
EASTON	\$488,725

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EDGARTOWN	\$178,476
EGREMONT	\$124,000
ERVING	\$66,685
ESSEX	\$106,916
EVERETT	\$464,968
FAIRHAVEN	\$386,425
FALL RIVER	\$1,619,754
FALMOUTH	\$918,332
FITCHBURG	\$927,375
FLORIDA	\$130,060
FOXBOROUGH	\$409,839
FRAMINGHAM	\$1,432,989
FRANKLIN	\$605,758
FREETOWN	\$281,788
GARDNER	\$482,264
GEORGETOWN	\$214,633
GILL	\$119,623
GLOUCESTER	\$529,516
GOSHEN	\$87,732
GOSNOLD	\$7,411
GRAFTON	\$351,916
GRANBY	\$217,603
GRANVILLE	\$213,312
GREAT BARRINGTON	\$335,211
GREENFIELD	\$529,931
GROTON	\$364,016
GROVELAND	\$152,333
HADLEY	\$274,352
HALIFAX	\$173,699
HAMILTON	\$194,451
HAMPDEN	\$198,233
HANCOCK	\$78,993
HANOVER	\$351,310
HANSON	\$212,380
HARDWICK	\$293,096
HARVARD	\$283,878
HARWICH	\$488,048
HATFIELD	\$205,523
HAVERHILL	\$1,093,006
HAWLEY	\$143,481
HEATH	\$169,805

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HINGHAM	\$529,818
HINSDALE	\$123,755
HOLBROOK	\$195,801
HOLDEN	\$452,221
HOLLAND	\$123,030
HOLLISTON	\$365,143
HOLYOKE	\$840,929
HOPEDALE	\$126,669
HOPKINTON	\$351,443
HUBBARDSTON	\$278,266
HUDSON	\$445,444
HULL	\$223,279
HUNTINGTON	\$132,693
IPSWICH	\$323,278
KINGSTON	\$312,554
LAKEVILLE	\$242,759
LANCASTER	\$244,861
LANESBOROUGH	\$173,700
LAWRENCE	\$959,881
LEE	\$225,030
LEICESTER	\$329,089
LENOX	\$226,880
LEOMINSTER	\$868,303
LEVERETT	\$119,851
LEXINGTON	\$712,692
LEYDEN	\$116,169
LINCOLN	\$211,501
LITTLETON	\$268,275
LONGMEADOW	\$374,824
LOWELL	\$1,419,023
LUDLOW	\$470,811
LUNENBURG	\$331,334
LYNN	\$1,187,496
LYNNFIELD	\$280,211
MALDEN	\$748,167
MANCHESTER	\$116,055
MANSFIELD	\$487,322
MARBLEHEAD	\$358,730
MARION	\$108,373
MARLBOROUGH	\$821,552
MARSHFIELD	\$502,711

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MASHPEE	\$440,903
MATTAPOISETT	\$163,559
MAYNARD	\$216,541
MEDFIELD	\$328,091
MEDFORD	\$783,689
MEDWAY	\$288,405
MELROSE	\$431,627
MENDON	\$175,077
MERRIMAC	\$130,803
METHUEN	\$859,325
MIDDLEBOROUGH	\$620,772
MIDDLEFIELD	\$123,975
MIDDLETON	\$195,041
MILFORD	\$560,815
MILLBURY	\$303,820
MILLIS	\$215,719
MILLVILLE	\$71,980
MILTON	\$477,023
MONROE	\$53,519
MONSON	\$371,064
MONTAGUE	\$387,488
MONTEREY	\$157,111
MONTGOMERY	\$101,873
MOUNT WASHINGTON	\$56,751
NAHANT	\$74,834
NANTUCKET	\$458,009
NATICK	\$729,985
NEEDHAM	\$698,886
NEW ASHFORD	\$37,363
NEW BEDFORD	\$1,707,205
NEW BRAINTREE	\$162,114
NEW MARLBOROUGH	\$276,513
NEW SALEM	\$125,783
NEWBURY	\$204,450
NEWBURYPORT	\$393,672
NEWTON	\$1,748,560
NORFOLK	\$273,397
NORTH ADAMS	\$318,164
NORTH ANDOVER	\$614,970
NORTH ATTLEBOROUGH	\$545,186
NORTH BROOKFIELD	\$252,212

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NORTH READING	\$325,369
NORTHAMPTON	\$813,343
NORTHBOROUGH	\$356,368
NORTHBRIDGE	\$314,059
NORTHFIELD	\$232,558
NORTON	\$367,584
NORWELL	\$333,085
NORWOOD	\$705,093
OAK BLUFFS	\$136,986
OAKHAM	\$147,568
ORANGE	\$326,095
ORLEANS	\$231,551
OTIS	\$141,864
OXFORD	\$375,999
PALMER	\$398,639
PAXTON	\$144,712
PEABODY	\$743,159
PELHAM	\$80,476
PEMBROKE	\$363,335
PEPPERELL	\$305,829
PERU	\$108,442
PETERSHAM	\$205,961
PHILLIPSTON	\$150,533
PITTSFIELD	\$1,115,470
PLAINFIELD	\$155,154
PLAINVILLE	\$198,098
PLYMOUTH	\$996,448
PLYMPTON	\$121,705
PRINCETON	\$275,920
PROVINCETOWN	\$93,896
QUINCY	\$1,483,704
RANDOLPH	\$544,762
RAYNHAM	\$320,429
READING	\$466,435
REHOBOTH	\$430,136
REVERE	\$569,858
RICHMOND	\$135,439
ROCHESTER	\$223,217
ROCKLAND	\$321,131
ROCKPORT	\$158,075
ROWE	\$116,351

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ROWLEY	\$169,703
ROYALSTON	\$228,787
RUSSELL	\$85,396
RUTLAND	\$236,804
SALEM	\$665,110
SALISBURY	\$165,975
SANDISFIELD	\$268,836
SANDWICH	\$564,448
SAUGUS	\$479,782
SAVOY	\$159,903
SCITUATE	\$436,496
SEEKONK	\$427,985
SHARON	\$460,476
SHEFFIELD	\$289,986
SHELBURNE	\$178,758
SHERBORN	\$183,277
SHIRLEY	\$193,549
SHREWSBURY	\$610,228
SHUTESBURY	\$108,708
SOMERSET	\$399,655
SOMERVILLE	\$896,890
SOUTH HADLEY	\$372,298
SOUTHAMPTON	\$240,280
SOUTHBOROUGH	\$271,622
SOUTHBRIDGE	\$397,944
SOUTHWICK	\$255,798
SPENCER	\$394,966
SPRINGFIELD	\$2,814,463
STERLING	\$318,879
STOCKBRIDGE	\$157,910
STONEHAM	\$407,877
STOUGHTON	\$606,267
STOW	\$205,844
STURBRIDGE	\$336,499
SUDBURY	\$536,195
SUNDERLAND	\$143,998
SUTTON	\$326,391
SWAMPSCOTT	\$238,306
SWANSEA	\$441,956
TAUNTON	\$991,124
TEMPLETON	\$262,794

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TEWKSBURY	\$672,189
TISBURY	\$104,350
TOLLAND	\$129,143
TOPSFIELD	\$213,623
TOWNSEND	\$325,475
TRURO	\$133,760
TYNGSBOROUGH	\$263,534
TYRINGHAM	\$83,090
UPTON	\$233,655
UXBRIDGE	\$343,954
WAKEFIELD	\$515,790
WALES	\$84,128
WALPOLE	\$543,375
WALTHAM	\$1,313,789
WARE	\$344,782
WAREHAM	\$510,907
WARREN	\$236,891
WARWICK	\$182,640
WASHINGTON	\$137,200
WATERTOWN	\$574,451
WAYLAND	\$374,027
WEBSTER	\$363,578
WELLESLEY	\$669,584
WELLFLEET	\$195,973
WENDELL	\$159,078
WENHAM	\$115,606
WEST BOYLSTON	\$223,067
WEST BRIDGEWATER	\$250,039
WEST BROOKFIELD	\$184,702
WEST NEWBURY	\$172,717
WEST SPRINGFIELD	\$664,736
WEST STOCKBRIDGE	\$123,828
WEST TISBURY	\$59,099
WESTBOROUGH	\$561,596
WESTFIELD	\$886,126
WESTFORD	\$579,774
WESTHAMPTON	\$148,948
WESTMINSTER	\$322,128
WESTON	\$349,395
WESTPORT	\$492,577
WESTWOOD	\$398,436

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WEYMOUTH	\$884,467
WHATELY	\$117,630
WHITMAN	\$255,681
WILBRAHAM	\$393,783
WILLIAMSBURG	\$149,242
WILLIAMSTOWN	\$245,961
WILMINGTON	\$585,732
WINCHENDON	\$359,171
WINCHESTER	\$406,765
WINDSOR	\$211,141
WINTHROP	\$236,498
WOBURN	\$947,775
WORCESTER	\$3,153,319
WORTHINGTON	\$191,969
WRENTHAM	\$289,734
YARMOUTH	\$677,870
TOTAL	\$150,000,000

SECTION 3. Section 10 of said chapter 11, as appearing in section 1 of chapter 121 of the acts of 1998, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Federal highway construction trust funds pledged by a trust agreement executed in accordance with section 10B, any other funds hereafter appropriated to said Federal Highway Grant Anticipation Note Trust Fund and investment earnings on any funds held or credited to the Federal Highway Grant Anticipation Note Trust Fund or to any fund or account established under a trust agreement executed in accordance with section 10B or on the proceeds of any notes issued pursuant to section 9 and secured by the Federal Highway Grant Anticipation Note Trust Fund shall be received and held by the state treasurer or his designee as the trustee of said fund and not on account of the commonwealth and, as set forth in section 10A, may be expended without further appropriation for the payment of trust agreement obligations.

SECTION 4. The first sentence of section 10A of said chapter 11, inserted by said section 1 of said chapter 121, is hereby amended by inserting after the words "investment earnings on any funds held or credited to said Federal Highway Grant Anticipation Note Trust Fund" the following words:- or to any fund or account established under a trust agreement executed in accordance with section 10B.

SECTION 5. The second sentence of the second paragraph of section 54 of said chapter 11 is hereby amended by striking out the figure "\$2,100,000,000" and inserting in place thereof the following figure:- \$2,550,000,000.

SECTION 6. (1) As used in this act, the following words shall have the following meanings unless the context clearly requires otherwise:

"Department", the department of highways.

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"Developer", the private entity selected to design, build, maintain, and operate state highway route 3 north which private entity may be comprised of, but not limited to, a civil engineering firm, a highway construction firm, a financial services firm, a law firm and a consulting firm.

"Development Agreement", the agreement entered into between the developer and the department, pursuant to subsection (4).

"Project", the study, planning, design, construction, reconstruction, operation, and maintenance, including capital maintenance, of route 3 north in accordance with the terms of the agreement described in subsection (4).

"Route 3 north" and "facility", that portion of state highway route 3, approximately 21 miles in length, extending from and including its interchange with interstate highway route 95 in the town of Burlington north to the commonwealth's border with the state of New Hampshire including, but not limited to, its interchanges with other highways and roads, bridges and other facilities.

"Secretary", the secretary of transportation and construction or his designee.

(2) Notwithstanding the provisions of chapters 30, 30B and 149 of the General Laws or any other general or special law to the contrary, the secretary may solicit proposals from, and negotiate and authorize the department to enter into a development agreement with, a developer to undertake, as appropriate, all or a portion of the project using, in whole or in part, private sources of financing.

(3)(a) The secretary shall develop and publicly advertise a request for qualifications setting forth criteria for prequalification of developers, including minimum levels of experience, financial capability, bonding capacity and such other criteria as are deemed appropriate by the secretary. The secretary or his designee may consult with legal, financial, technical and other experts within and outside state government in the prequalification of developers. The secretary shall also consult with the secretary of administration and finance in the development of a request for qualifications and with respect to the financial capacity of the respondents to such request for qualifications before determining which respondents are qualified. The secretary shall, within 45 days after the effective date of this section, select a minimum of three developers, those which he has determined to be the most qualified, based on their abilities to finance, design, and construct the project.

Any selection made in response to a request for qualifications issued by the secretary prior to the effective date of this act is hereby authorized and ratified if the request for qualifications is in a form which is consistent with the provisions of this section.

(b) The secretary shall develop and publicly advertise a request for proposals setting forth criteria of the qualified developers to undertake the project. The secretary or his designee may consult with legal, financial, technical and other experts within and outside state government in the development of the request for proposals, the selection of a developer and the negotiation of a development agreement. The secretary shall not select a developer in accordance with the provisions of this section without the written concurrence of the secretary of administration and finance that the selected developer and its proposal have appropriate financial characteristics and provisions.

The secretary shall, within 30 days after the designation of the selected qualified developers, furnish each qualified developer, as determined in paragraph (a), with a request for proposals setting forth the minimum criteria for the project. Each such developer may then submit to the secretary, on or before the time and date specified in the request for proposals which shall be within 90 days of the issuance of the requests, a proposal in the format specified by the secretary. The secretary may waive any and all informalities in such proposals and reject any or all proposals if, in his sole discretion, such a rejection would be in the public interest. All proposals shall be reviewed in private and no proposal or any information contained therein shall be released to a third party other than as specified herein prior to execution of the development agreement in accordance with the provisions of this act, nor shall any such proposal be deemed to be a public record until such development agreement is executed.

Each proposal shall be evaluated by criteria determined by the secretary and set forth in the request for proposals including, but not limited to, the proposed cost of the project and the financial benefit to the commonwealth, the reputation, industry experience and financial capacity of the developer, the proposed design of the facility, the time schedule proposed for completion of the project, local citizen and government concerns, environmental concerns relative to the project, benefits to the traveling public, the developer's ability to ensure labor harmony during the length of the project and such other criteria as the secretary deems appropriate. The secretary may request oral presentations by such developers as he deems necessary for the purpose of understanding, clarifying and improving the terms contained in any such proposals. An oral presentation shall include a written component, including minutes of the meeting in which the presentation took place, which shall be made public after the execution of the development agreement. The secretary shall, within 60 days of the receipt of proposals from the qualified developers, select the developer which he determines best meets the selection criteria for the benefit of the commonwealth. Within five days of the selection of the developer, the secretary shall notify the joint committee on transportation of his choice. Within 15 days of that notification, the secretary and the selected developer shall make a presentation of the details of the development agreement to the joint committee on transportation. Any of the deadlines contained in this section may be extended up to 60 days, in 15-day increments, upon the provision of written notice by the secretary to the joint committee on transportation.

If the secretary selects a developer which did not submit the proposal offering the lowest overall cost, the secretary shall explain the reason for the selection in writing to the joint committee on transportation not later than five days prior to the execution of the development agreement.

(4) The secretary may enter into a binding development agreement with the selected developer, which development agreement shall:

- (a) provide for the design and construction of the project;
- (b) specify a design and construction schedule with project milestones and an enforceable project completion date, subject to delays beyond the control of the developer;

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(c) specify the cost of the project, as an aggregate total and separated into cost for each identified project segment, with maintenance costs annualized and separated from the cost of construction;

(d) provide for a lease of the facility to the developer or a lease of the facility back to the department for a term not to exceed 30 years upon the completion and final acceptance of the project, but the developer shall retain the primary responsibility for all reconstruction, capital maintenance and operational maintenance work, if any, to be performed during the lease period. If the developer proposes that a third party perform any such work on its behalf, then the third party shall be approved in advance by the department;

(e) establish a schedule for annualized, periodic or other payments by the department to reimburse the developer's capital outlay costs for the project, including interest expense, the costs associated with operations, maintenance and administration of the facility, payments made to the department for the costs of project oversight, technical and other services and establishment of a fund to assure the adequacy of maintenance expenditures but all payments made shall be in accordance with obligations established in the development agreement;

(f) describe the procedures to be utilized in the completion of design and construction of the project;

(g) identify the remaining parcels, required for highway purposes, for the department to obtain pursuant to the authority granted to the department under chapter 81 of the General Laws;

(h) outline the responsibilities of the department and the developer in obtaining any remaining environmental permits or approvals;

(i) provide for the participation of the department and the developer in the value engineering program established in section 6 but the developer shall pay the cost of the selected value engineering expert, shall incorporate any recommendations accepted by the secretary into the project's final design and shall reduce the overall cost of the project by a corresponding amount;

(j) require that the developer secure and maintain bonding and liability insurance coverage in amounts appropriate to protect the project's viability in accordance with subsection 14;

(k) set forth the responsibilities of the department and the developer in community outreach efforts, including the planning and scheduling of the route 3 north advisory council quarterly meetings required in subsection 7;

(l) describe the method of financing for the project, including the developer's plans for issuing bonds on a tax-exempt basis;

(m) set forth the commitments of the commonwealth necessary to secure the project's financing consistent with paragraph (b) of subsection 12;

(n) set forth the guarantee of performance and security to be provided by the developer;

(o) specify the claims process to be utilized in the event of unforeseen circumstances during project design or construction and provide for the reimbursement to the developer for reasonable costs and expenses incurred in developing the design of the project and the construction cost estimate and in the financing of the project should the commonwealth, for any reason, determine to terminate the agreement;

(p) clarify the responsibilities of the department and developer in responding to hazardous materials in the project's right-of-way;

(q) designate responsibility for operation and maintenance of the facility before, during and after project construction, but the department shall be responsible for snow and ice removal at all times and shall be reimbursed for all services provided by its employees on such terms and conditions as the parties may mutually agree;

(r) establish minimum traffic flow requirements during project construction, including a requirement that at least two lanes in each direction shall be in operation during the morning and evening peak commuting hours;

(s) establish an air, surface and subsurface rights development policy for the corridor which recognizes the applicability of local zoning laws and any revenues generated from air, surface and subsurface rights development shall be divided between the developer and the department, the amount of such split being subject to negotiations but the developer shall retain not more than 50 per cent of said revenues and all remaining revenues shall be utilized to reduce the cost of the project and the department's annual payment;

(t) provide that the department's construction inspections shall be conducted by personnel employed directly and on a full-time basis by the department; and

(u) provide for the assurance of labor harmony during all phases of development, including construction, reconstruction and capital and routine maintenance and shall provide adequate remedies to address the developer's failure to maintain labor harmony which shall include, but not be limited to, assessment of liquidated damages and contract termination.

(5) The department may enter into the development agreement. If one or more of the following conditions are met, the secretary shall submit detailed project information and analysis to the joint committee on transportation, which will hold a public meeting to discuss the information provided by the secretary. The committee may call before it any party to the development agreement. The information provided by the secretary shall contain a detailed explanation for the occurrence of such condition or conditions and identifying terms and conditions for inclusion in the development agreement to address such condition or conditions:

(i) the total cost of the project, as anticipated in clause (c) of subsection 4, excluding ongoing maintenance expenses and interest payments, exceeds \$200,000,000;

(ii) the selected developer plans to issue non-tax-exempt bonds;

(iii) the annual payments anticipated in clause (e) of said subsection 4 exceed \$14,000,000 per year at any time during the repayment period.

(6) The developer shall be required to prepare plans and specifications for the project subject to review by an independent value engineering expert selected by the secretary. The

value engineering expert shall conduct comprehensive design reviews of the plans and specifications at approximately the 10 per cent completion stage and at approximately the 35 per cent completion stage to recommend design changes that will result in lower life-cycle costs or more efficient construction and functioning. Within 30 days of receiving the value engineering expert's recommended changes, the secretary may accept or reject those recommendations. In the event that the secretary rejects, in whole or in part, the recommendations of the value engineering expert, said secretary shall submit a justification statement to the inspector general detailing his opinion that the rejected recommendations cannot reasonably be incorporated into the project design.

(7) The secretary shall establish an advisory council of the local governments adjacent to the state highway route 3 north corridor which shall consist of a representative, appointed by the executive body, from each of the towns of Bedford, Billerica, Burlington, Chelmsford, Tyngsborough and Westford and the city of Lowell. The advisory council shall receive quarterly progress updates on the project's development from the secretary and developer and shall offer comment on local concerns and considerations regarding the progress and development of the project.

(8) Agreements with the developer shall contain minority and women business enterprise or disadvantaged business enterprise goals and minority and women work force goals as specified by the secretary in accordance with state and federal law.

(9) An agreement with a developer shall require the developer's prime contractor to obtain a labor and material payment bond, in accordance with section 29 of chapter 149 of the General Laws, covering all construction, reconstruction, or maintenance, including capital maintenance, work of the project and shall require the payment of prevailing wages for labor performed on the project in accordance with sections 26 to 27H, inclusive, of said chapter 149.

(10) Notwithstanding the provisions of chapters 7, 30, and 149 of the General Laws or any other general or special law to the contrary regarding procurement practices, the developer shall, in its sole discretion and in accordance with its own procurement practices and sound business judgment, determine the qualifications and selection of its own consultants, engineers, designers, architects, lawyers, contractors, investment bankers, materials suppliers and other persons or entities employed in connection with the project. The developer shall remain subject to all applicable anti-discrimination laws including, but not limited to, chapter 151B of the General Laws.

(11)(a) The plans and specifications for the project shall be approved by the department. The completed facility shall be deemed to be a part of the state highway system for purposes of identification, permitting pursuant to the department's obligations under the provisions of section 21 of chapter 81 of the General Laws and section 61 of chapter 30 of the General Laws, enforcement of traffic laws, liability of the commonwealth, the department or the developer, and for the purposes of applicable sections of this act.

(b) The development agreement shall provide that, upon return of operation and control of the facility to the department, the facility shall be in good repair in accordance with

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appropriate department standards as shall be set forth by the department in writing and incorporated by reference in the development agreement prior to the commencement of the construction of the project. The department shall also set forth the guidelines and standards to which the developer shall periodically maintain the facility and shall require the developer to repair the facility if the facility is found not to be in accordance with such maintenance standards, as shall be indicated by the secretary in writing.

(c) The department may exercise, on its own behalf and on behalf of the developer, any power possessed by it to facilitate the development, construction, financing, operation and maintenance of the facility. For the purpose of facilitating the project or to assist the developer in the financing, development, construction, maintenance or operation of the facility, the development agreement may include provisions for the department to lease the facility and rights-of-way and airspace appurtenant thereto, to the developer or back from the developer or both; to exercise the power of eminent domain; to grant development rights and opportunities to the developer and third parties; to grant necessary easements and rights of access to the developer and third parties; to issue permits and other authorizations; to provide remedies in the event of default of either of the parties; to grant contractual and real property rights to the developer and third parties and to exercise any other power deemed necessary by the parties. Any person damaged in his property by the exercise of any of the powers granted by this section may recover damages under chapter 79 of the General Laws against the commonwealth with respect to said powers exercised by the department. Nothing in this act shall be construed in a manner which would allow the department or the developer the ability to override any local zoning or land use law, ordinance or regulation applicable under section 7L of chapter 81 of the General Laws.

(d) Notwithstanding the provisions of sections 40F and 40F> of chapter 7 of the General Laws or any other general or special law to the contrary, the development agreement may also include provisions authorizing the developer, or its designees, to lease to third parties, on behalf of the commonwealth, airspace and other surface and subsurface rights above, adjacent to or below the right-of-way associated or to be associated with the facility. The term of any such lease may extend beyond the term of the agreement with the developer, with the written approval of the secretary.

(12)(a) In order to facilitate project financing, the selected developer may form a special purpose entity and the secretary may enter into agreements with such entity to effectuate the purposes described in this section.

(b) Revenue bonds, interim receipts, temporary bonds, revenue refunding bonds or other types of indebtedness necessary to finance the design, construction, maintenance and operation of the facility shall not be deemed to constitute a debt of the commonwealth or any political subdivision thereof or a pledge of the faith and credit of the commonwealth or any such political subdivision. All bonds and interim receipts shall contain on the face thereof a statement to the effect that neither the commonwealth nor any political subdivision thereof shall be obligated to pay the same or the interest thereon except from revenues generated by the facility, or from other federal, state or local resources specifically made available there-

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for, and that neither the faith and credit nor the taxing power of the commonwealth or any political subdivision thereof is pledged to the payment of the principal of or interest on the bonds and interim receipts.

(13) At no time and under no condition shall the secretary, developer, commonwealth or department, issue, institute, implement or levy any form of toll collection on the usage of state highway route 3 north in order to generate revenues for the project or for the purpose of financing the project, for the commonwealth or for any other related or unrelated purpose.

(14)(a) While the developer has operation and control of the facility in accordance with the terms of the development agreement, the developer shall be liable to the same extent and with the same limitations as would be the commonwealth to any person sustaining bodily injury or damage to his property by reason of a defect or want of repair therein or thereupon as though the facility were a state highway operated by the commonwealth within the meaning of section 18 of chapter 81 of the General Laws, and the developer shall be liable for the death of any person caused by such defect or want of repair to the same extent and with the same limitations as would be the commonwealth in accordance with the provisions of chapter 258 of the General Laws. The commonwealth shall not be liable for injury, damage or death sustained by any person by reason of defect or want of repair therein or thereupon sustained during the operation of the facility by the developer. Any notice of such injury, damage or death required by law shall be given to the registered agent of the developer and to the secretary, but claims instituted pursuant to section 4 of said chapter 258 shall be presented to the secretary. Upon receipt by the secretary of any such notice, the secretary shall promptly notify the registered agent of the notice and shall promptly notify the person giving notice of the name and address of the registered agent.

(b) While the developer has operation and control of the facility in accordance with the terms of the development agreement, the developer shall be liable to the same extent and with the same limitations as would be the commonwealth in accordance with the provisions of chapter 258 of the General Laws, as if the facility were a state highway operated by the commonwealth. The commonwealth shall not be liable for injury, damage or death sustained by any person during the operation of the facility by the developer, nor for any injury, damage or death caused by the negligence of the developer. Any notice of such injury, damage or death required by law shall be given to the registered agent of the developer and to the secretary, but claims instituted pursuant to section 4 of said chapter 258 shall be presented to the secretary. Upon receipt by the secretary of any such notice, the secretary shall promptly notify the registered agent of the notice and shall promptly notify the person giving notice of the name and address of the registered agent.

(15) This section shall be specific to the state highway route 3 north project. Within three months of completion of construction of the project, the secretary shall file a report with the house and senate committees on ways and means, the joint committee on transportation and the clerks of the house and senate. Said report shall detail the actual costs incurred by the developer in the design and construction stages of the project and the aggregate cost expected to be incurred by the department, broken down into annual amounts

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for each year covered under the development agreement, including any anticipated costs for annual maintenance. If actual yearly costs differ from those contained in the report, the secretary shall submit a written explanation for the difference in his annual budget request to the house and senate committees on ways and means. The report shall also include an analysis comparing the aggregate cost with the expenses the department would have incurred under a traditional design-bid-build approach.

The secretary shall include in the report a recommendation of whether it would be beneficial for the commonwealth to utilize the construction approach authorized in this section in conjunction with other large construction projects. If the recommendation is positive, the report shall include a comprehensive list of criteria which other projects should meet in order to access this method, and a detailed list of lessons learned on this project which can be incorporated into future projects. No further projects may be undertaken utilizing the method authorized in this section unless and until the secretary has filed the report required by this section and has received legislative authorization to expand this approach to other projects.

Throughout the duration of the project, from the execution of the development agreement to the completion of the lease, the joint committee on transportation may call, at its discretion and upon 14 days' notice, a public hearing on the status of the project and may request the attendance of such witnesses as are appropriate to the subject of said hearing.

SECTION 7. Sections 1 and 5 shall take effect as of July 1, 1998.

This bill was returned on August 12, 1999, by the Governor to the House of Representatives, the branch in which said bill was originated, with his objections in writing to the following items therein:

Items Disapproved:

SECTION 2F.

SECTION 2B *Items reduced in amount*

Item	Reduce by	Reduce to
6037-0019	50,000,000	100,000,000

The remainder of the bill was approved by the Lieutenant Governor-Acting Governor August 12, 1999 at Five o'clock and three minutes, P.M.

Chapter 54. AN ACT AUTHORIZING THE CITY OF CHELSEA TO ISSUE PENSION OBLIGATION BONDS.

Be it enacted, etc., as follows:

SECTION 1. The city of Chelsea may issue, at one time or from time to time, bonds or notes for the purpose of funding the unfunded pension liability, so-called, of the retirement system of the city. The proceeds of any such issuance shall be transferred by the city to said

retirement system. The term of any such bonds or notes shall not exceed 30 years from the date of issuance and the amount of any such bonds or notes shall be considered as outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. No such bonds or notes shall be issued without the approval of the city council of a loan order adopted by a two-thirds vote upon a recommendation of the city manager. After the city council has approved the issuance of such bonds or notes, the city manager shall submit said order and a plan demonstrating how the city will finance and allocate the debt service associated with said bonds or notes to the executive office for administration and finance, and no bonds or notes authorized by this act shall be issued until the secretary for administration and finance has approved said plan. Except as otherwise provided in this act such bonds or notes shall be subject to the provisions of said chapter 44.

SECTION 2. The aggregate principal amount of the bonds or notes issued under authority of this act shall not be greater than the amount sufficient to extinguish the unfunded pension liability of the retirement system of the city of Chelsea as determined in accordance with this section and the amount necessary to provide for the payment of costs of preparing, issuing and marketing such bonds or notes and for the payment of all other expenses incidental or related thereto. The retirement board of said city shall determine the amount sufficient to extinguish the unfunded pension liability of the retirement system of the city in accordance with the report of a nationally recognized independent consulting firm, which may be the consulting actuary generally retained by said retirement board. Such report shall also set forth the present value savings to the city reasonably expected to be achieved as a result of the issuance of any bonds or notes hereunder.

SECTION 3. The maturities of such bonds or notes shall be scheduled such that the annual combined payments of principal and interest for each issue shall be as nearly equal as practicable in the opinion of the city manager and the city treasurer of the city of Chelsea; but the maturities of such bonds or notes may be scheduled so as to provide for a more rapid amortization of principal or in any other manner consistent with the city's approved funding schedule, as the secretary for administration and finance shall approve.

SECTION 4. Every governmental unit the employees of which are members of the retirement system of the city of Chelsea shall be responsible in accordance with this section for paying such proportion of the annual debt service expense paid by the city for bonds issued under authority of this act as is equal to the proportion of the total unfunded pension liability of said retirement system allocated to such member under section 2.

Notwithstanding the provisions of any general or special law to the contrary, the public employee retirement administration commission shall increase the annual amount to be certified under section 22 of chapter 32 of the General Laws as the amount necessary to be paid by each governmental unit in said retirement system other than the city by each such governmental unit's proportionate share of the annual debt service expense as determined in this act and shall decrease the amount to be paid by the city by an equal amount. The city shall have the same legal rights and authority as the retirement board of the city to collect any amount so assessed by the retirement board to any such governmental unit.

SECTION 5. This act shall take effect upon its passage.
Approved August 12, 1999.

Chapter 55. AN ACT MAKING CERTAIN SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999 AND RELATIVE TO CERTAIN CAPITAL SPENDING AND BONDED DEBT OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith supplemental appropriations for various capital improvements and other one-time costs for certain capital spending and bonded debt of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain unanticipated obligations of the commonwealth for the fiscal year ending June 30, 1999, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth in section 2A are hereby appropriated from the Capital Improvement and Investment Trust Fund for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds. Notwithstanding the provisions of any general or special law to the contrary, appropriations made in said section 2A shall not expire until June 30, 2003.

NO SECTION 2.

SECTION 2A.

DISTRICT ATTORNEYS.

District Attorneys Association.

0340-2111 For the cost of upgrading and replacing computer equipment at the offices of the district attorneys; provided, that the amount appropriated herein shall be expended solely for the purchase of computer hardware, software, cabling and associated information technology equipment necessary to implement a case management system; and provided further, that not less than 30 days prior to the expenditure of any funds appropriated herein, each district attorney shall submit a report to the District Attorneys Association and the house and senate committees on ways and means delineating all computer hardware and software leased, owned or operated by each such district attorney \$1,836,900

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0340-2300 For completion of the case management and tracking system initiated in fiscal year 1998; provided, that the amount appropriated herein shall be expended for the one-time costs to complete implementation of said case management system in all district attorneys' offices; and provided further, that not less than 30 days prior to the expenditure of any funds appropriated herein, each district attorney shall submit a report to the district attorneys' association and the house and senate committees on ways and means delineating all computer hardware and software leased, owned or operated by each such district attorney \$900,000

SECRETARY OF STATE.

0511-0250 For the costs of repointing, roof repairs and furniture replacement for the archives facility \$125,000

0526-0101 For a program of matching grants to units of municipal government and to private, nonprofit organizations for the preservation of historic properties, landscapes and sites; provided, that such funds shall be awarded in accordance with regulations promulgated by the state secretary in his capacity as chairman of the Massachusetts historical commission \$7,751,075

0526-0111 For a program of non-matching grants to units of municipal government and to private, nonprofit organizations for the preservation of historic properties, landscapes and sites; provided, that \$500,000 shall be expended for improvements to the historic Echo bridge in the city of Newton; provided further, that \$40,000 shall be expended for the restoration of the historic Hopedale statue; provided further, that not less than \$1,429,475 shall be expended for a one-time payment to Springfield Technical Community College for repair and renovation of building #11; provided further, that not less than \$100,000 shall be expended for the restoration of the historic Centennial grove in the town of Essex; provided further, that not less than \$179,450 shall be expended for the Olmstead Historic Landscape Preservation Project in the town of Wareham; provided further, that not less than \$2,500,000 shall be expended for the Colonial Theatre in the city of Pittsfield; provided further, that not less than \$291,000 shall be expended for the structural repairs necessary for the historic preservation

of the United First Parish Church in the city of Quincy; provided further, that not less than \$100,000 shall be expended for structural repairs necessary for the preservation and repair of the Soper memorial fountain, so-called, located on Taunton Green in the city of Taunton; provided further, that not less than \$180,000 shall be expended for a restoration project for the Tobey house in the town of Wareham; provided further, that \$45,000 shall be provided for the Worcester women's history project to preserve and exhibit historic artifacts; provided further, that not less than \$30,000 shall be expended for the restoration and maintenance of the Walnut square school clock tower in the city of Haverhill; provided further, that not less than \$100,000 shall be expended for a historic commemorative clock and accompanying beautification at Cleveland Circle, Boston/Brookline; provided further, that \$500,000 shall be provided for the preservation and restoration of Saint Alphonsus Theatre in the city of Boston in accordance with the United States Secretary of the Interior's Standard for the treatment of historic properties, as set forth in 36 C.F.R. Part 68 (July 12, 1995); provided further, that not less than \$50,000 shall be expended for historic preservation grants; provided further, that not less than \$8,500 shall be expended to erect a memorial at the Newburyport waterfront honoring the fishermen whose lives were lost on the Heather Lynne II; provided further, that not less than \$30,000 shall be expended for the reconstruction of the historic Foster Fountain in Central park in the town of Clinton; provided further, that not less than \$100,000 shall be expended to complete the restoration of the Hollis street fire station in the town of Framingham; provided further, that not less than \$100,000 shall be expended to erect a commemorative statue of Benjamin Franklin at the Franklin Public Library; provided further, that not less than \$150,000 shall be expended to complete the restoration and preservation of the Brooks estate in the city of Medford; provided further, that not less than \$100,000 shall be expended for the repair and restoration of the old Coast Guard station in the town of Nahant; provided further, that not less than \$50,000 shall be expended in matching grants for the Cape

Cinema in the town of Dennis; provided further, that not less than \$20,000 shall be made available for the Whitcomb House in the town of Boxborough; provided further, that not less than \$20,000 shall be made available for the Volpe Library located in the town of Wakefield; provided further, that \$125,000 shall be made available for the Waterfront Historic Area League; provided further, that \$100,000 shall be expended for improvements to public infrastructure adjacent to the historically restored United States Post Office in the Bellingham Square area of the city of Chelsea; provided further, that \$40,000 shall be made available for repairs to the clock tower of the Old West Church in the city of Boston; provided further, that \$150,000 shall be obligated to the town of North Andover for the purposes of making repairs and improvements in the old center district; provided further, that not more than \$500,000 shall be expended for the rehabilitation, repairs and improvements to historic Stetson hall in the town of Randolph; provided further, that \$325,000 shall be expended for the rehabilitation, repairs and improvements to parting ways historic building in the town of Acushnet; and provided further, that \$150,000 shall be expended for the rehabilitation, repairs and improvements to St. Stephen's Church in the city of Boston \$8,013,425

0540-0001 For the purchase of computer technology for the registries of deeds that fall within the jurisdiction of the state secretary; provided, that \$295,000 shall be expended on technology upgrades for the southern Essex district registry of deeds; provided further, that \$295,000 shall be expended on technology upgrades for the southern Middlesex district registry of deeds; and provided further, that \$395,000 shall be expended on technology upgrades for the Hampshire district registry of deeds \$1,000,000

TREASURER AND RECEIVER-GENERAL.
Office of the Treasurer and Receiver General.

0611-1991 For the one-time costs of capital and technology improvements for the office of the treasurer; provided, that not more than \$100,000 shall be expended for the replacement of a check-folding machine; provided further, that an amount not to exceed \$100,000 shall be expended for the replacement of a phone system; and provided, further that

an amount not to exceed \$23,000 shall be expended for the replacement of a postage machine \$223,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Massachusetts Corporation for Educational Telecommunications.

1100-1400 For a payment to the Massachusetts Corporation for Educational Telecommunications for the establishment and implementation of information technology infrastructure and services to schools and cities and towns throughout the commonwealth through the Massachusetts community network, so-called; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the corporation shall not enter into any contracts that would cause the commonwealth's obligation to exceed the amount appropriated herein \$9,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Division of Capital Asset Management and Maintenance.

1102-1991 For the costs of an engineering survey of the capital assets of the commonwealth that shall inventory the conditions, project the annual maintenance costs and establish the basis for developing maintenance schedules for such assets; provided, that the division shall enter into a contract with engineering firms to perform and complete said survey within 18 months of the effective date of this act; provided further, that said survey shall give priority to surveying office buildings, hospitals, campuses, correctional facilities, and other "brick and mortar" assets, so-called, before inventorying roads, bridges, parks, recreational facilities, and other non-habitable assets; provided further, that said survey shall, at a minimum, comprehensively document the agency, division or unit and the personnel thereof responsible for the care and maintenance of each such asset, the physical condition, assessed value, type of construction, major building systems, and year of construction for each such asset, the costs and types of outstanding deferred maintenance and repairs needed by each such asset, and a description of the scheduled maintenance and repairs necessary to maintain each such asset in reasonable condition; provided further, that said division shall within 15 days of the effective date of this act provide to the house and senate committees on ways and means and the house committee on long term debt and capital expenditure a timeline for com-

pleting said survey and for integrating its data into the comprehensive capital asset maintenance information system funded by item 1102-1992; provided further, that said division shall submit to said committees the draft of any request for proposals or other procurement method used to secure the services of such an engineering firm not less than 30 days prior to advertising for such services; provided further, that said division shall submit a monthly update report to said committees on the progress of said survey which shall include, but not be limited to, the condition of all assets surveyed within the previous month, and the remaining completion time of said survey; provided further, that within 60 days of completing said survey, said division shall submit to said committees a final report on the overall status of assets of the commonwealth; provided further, that said final report shall include said division's recommendations for all steps necessary to properly maintain said assets, including, cost estimates for routine maintenance, procedures that incorporate routine maintenance costs into the operating budget filed by the governor and which establish a methodology for projecting the essential maintenance costs of agencies managing or occupying such assets, and the costs and funding mechanisms for bringing such assets into compliance with applicable health and safety codes, the Americans with Disabilities Act, and the "Clean State" initiative, so-called; provided further, that said final report shall further recommend guidelines or criteria that enable agencies and the general court to determine the useful life of such assets and the cost-effectiveness of repairs versus replacement; and provided further, that not more than \$30,000 shall be expended for a perimeter survey of the former Grafton state hospital to determine the metes and bounds of said property \$15,030,000

1102-1992 For the design, development, and implementation of a comprehensive capital asset maintenance information system, CCAMIS, so-called; provided, that said system shall be based upon the findings of an engineering survey of the capital assets of the commonwealth completed pursuant to item 1102-1991; provided further, that said system shall take into account criteria for scheduled maintenance that considers, but is not limited to, safety of the public and of

the employees of the commonwealth, functionality of facilities, the expected durability of said capital assets, and the costs of repairs; provided further, that said system shall be updated not less than quarterly with current information on the condition of capital assets and the performance of said scheduled maintenance by all agencies; provided further, that the division of capital asset management and maintenance shall cooperate with all agencies including, but not limited to, providing sufficient training, equipment, and support to all agencies to ensure the performance and budgeting standards established by CCAMIS; provided further, that said system shall be capable of developing an annual total capital maintenance budget projection; and provided further, that said office shall acquire said information management system within 90 days of the effective date of this act \$1,895,070

1102-1993 For a one-time payment for the initiative to improve and expand the information technology infrastructure of the Berkshire county region, which shall be designated and known and referred to as the Berkshire Connect Initiative; provided, that for the purpose of fostering a more favorable and responsive environment for technology intensive and dependent industry in the Berkshire county region, said initiative shall seek to accelerate, facilitate, and reduce the overall cost of access to said infrastructure; provided further, that the amounts appropriated herein shall be expended and applied by the Massachusetts Technology Park Corporation through its Massachusetts Technology Collaborative; provided further, that in applying said funds said collaborative shall seek and leverage all available public and private resources necessary to reduce the overall public costs of improving said infrastructure; provided further, that said corporation shall file a report with the house and senate committees on ways and means and the house and senate committees on science and technology detailing the activities undertaken with the funds appropriated herein by March 15, 2000; and provided further, the amount appropriated herein shall create no further obligation on the part of the commonwealth for the financial support of said initiative \$1,000,000

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1102-3204	For the cost of land acquisition in an amount not to exceed \$110,000 in the town of Ayer pursuant to section 42 for the development of parking spaces at the Ayer district court; provided, that a cost benefit analysis and feasibility study of the relocation of the Norfolk probate court shall also be funded from this item; and provided further, that the results of said study shall be submitted to the general court not later than March 1, 2000	\$210,000
1102-3332	For the demolition and remediation of certain properties as provided herein; provided, that not less than \$35,000 shall be expended for the demolition of abandoned buildings which pose a serious health and safety risk, at 1551, 1553 and 1555 Main street in the city of Worcester; provided further, that not less than \$750,000 shall be expended for the demolition and development of property in the city of Lawrence; provided further, that not less than \$275,000 shall be expended for the demolition of abandoned buildings which are a threat to public safety or to eliminate blight in the city of Brockton; provided further, that not less than \$750,000 shall be expended for the demolition and site remediation of the Phototech site building, so-called, in the town of Williamstown; provided further, that \$200,000 shall be expended for the environmental remediation of the Aztec Industries property in the town of North Brookfield; provided further, that not less than \$200,000 shall be expended for the demolition of the Old Kendall mill in the town of Colrain; and provided further, that \$250,000 shall be expended to conduct a needs assessment of the district court of Southern Essex	\$2,460,000
1102-3993	For a one-time payment for the repair and renovation of the Massachusetts building at the eastern states exposition in the town of West Springfield as authorized in item 6033-9799 of section 2B of chapter 11 of the acts of 1997	\$500,000
1102-5996	For costs associated with the facilitation of a transfer of land by the department of environmental management to the department of fire services, resolution of land transfer issues between the commonwealth and the federal government and relocation of personnel in an amount not to exceed \$350,000; provided, that not more than \$400,000 shall be expended on the architectural design, engineering studies,	

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preparation of plans and construction cost analysis for the construction of a multiple function headquarters and training facility in the town of Stow for the department of fire services; provided further, that the design, plan, study and analysis shall include, but not be limited to, furnishings and equipment, office and administrative space, a firefighter training tank, a computer laboratory and technical development center, a cafeteria, dormitories and a parking facility; and provided further, that the cost analysis shall include an estimate of the annual operating costs for said facility \$750,000

Reserves.

1599-1986 For the Nantucket Ice Organization, so-called, to assist in the construction of an ice-skating facility on the island of Nantucket; provided, that said organization shall contribute an amount at least equal to the amount herein for the purpose of constructing an ice-skating facility; and provided further, that said organization shall allow residents of the commonwealth use of the ice-skating facility at a reduced rate of admission \$990,000

1599-4000 For a reserve to reimburse cities and towns for the costs of acquisition of open space land for the purposes of conservation and recreation; provided, that each such reimbursement shall represent the commonwealth's total commitment in such acquisitions; provided further, that \$1,000,000 shall be expended as a grant to the town of Westwood for a one-time reimbursement for the acquisition of Lowell Woods, so-called, pursuant to an agreement between the town and the Lowell family; and provided further, that \$1,000,000 shall be expended for the agricultural preservation restrictions program pursuant to sections 11A to 11D, inclusive, of chapter 132A of the General Laws \$2,000,000

1599-6666 For one-time capital improvements for shelters; provided, that \$250,000 shall be expended for certain improvements to the Cross Roads Shelter; and provided further, that \$300,000 shall be expended for certain improvements for the New England Shelter for Homeless Veterans \$550,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2040-1991 For a one time payment to assist with the reimbursement of debt service costs attributable to the installation of certain air pollution control and related equipment or the cost of the closing of the North Andover North East Solid Waste Committee waste to energy plant as required by the United States Environmental Protection Agency "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Municipal Waste Combusters" (40CFR60) pursuant to section 129 of the Clean Air Act amendments of 1990; provided, that the city of Peabody and the towns of Acton, Andover, Arlington, Bedford, Belmont, Boxborough, Burlington, Carlisle, Dracut, Hamilton, Lexington, Lincoln, Manchester, North Andover, North Reading, Tewksbury, Watertown, Wenham, Westford, West Newbury, Wilmington and Winchester shall be eligible to receive the proportional reimbursement; provided further, that any amounts provided from this item shall be in addition to and shall not replace any amounts currently appropriated by said cities and towns for such debt service costs; and provided further, that any amount provided from this item shall be solely for the purposes of this item \$3,000,000

Department of Environmental Management.

2120-7997 For repairs and improvements to dams; provided, that \$225,000 shall be expended for the repair or rehabilitation of the Lake Gardner dam in the town of Amesbury; provided further, that \$250,000 shall be expended for the repair and rehabilitation of public dams in the towns of Carver, Halifax, Kingston and Plymouth; provided further, that not less than \$100,000 shall be expended for repairs to dams in the town of North Attleborough; provided further, that not less than \$60,375 shall be expended for the repair of the Lower Merino pond dam in the town of Dudley; provided further, that not less than \$168,750 shall be expended for repairs to the Silver lake dam in the town of Bellingham; provided further, that not less than \$75,000 shall be expended for repairs to the South Charlton reservoir dam in the town of Charlton; provided further, that not less than \$187,500 shall be expended for repairs to Slater's pond dam

in the town of Oxford; provided further, that not less than \$100,000 shall be expended for the completion and construction of the Lackey pond dam in the town of Uxbridge provided that a two- for-one match by a private organization shall be included against the total project cost for said dam; provided further, that \$75,000 shall be expended to repair New pond dam in the town of Easton; provided further, that \$35,000 shall be expended to repair Memorial park dam in the town of West Bridgewater; provided further, that not less than \$850,000 shall be expended for the study, design and repair of the Upper Mystic dam; provided further, that \$70,000 shall be expended for the repair and reconstruction of the Lake Monomonac dam in the town of Winchendon; provided further, that not more than \$100,000 shall be expended for the repair of the Forge pond dam in the town of East Bridgewater; provided further, that \$25,000 shall be expended to the town of Auburn for repairs to the Pondville dam in said town; and provided further, that not more than \$100,000 shall be made available for the repair or rehabilitation of the Doublebrook dam in the town of Middleborough \$2,421,625

2120-7999 For improvements to facilities as provided herein; provided, that not less than \$200,000 shall be expended for equipment for the fire road clearing at Myles Standish state forest; provided further, that \$700,000 shall be expended for the dredging of Hardy pond in the city of Waltham; provided further, that not more than \$580,000 shall be expended for the plans, engineering, design, permitting and construction of a multiple lane boating access ramp and appurtenant facilities on the Merrimack river in the city of Lowell; provided further, that not less than \$30,000 shall be expended for dredging at the boat launching facility in the town of Duxbury; provided further, that not less than \$100,000 shall be expended for improvements to Merrymount park in the city of Quincy; provided further, that not more than \$50,000 shall be expended for a matching grant to the town of Yarmouth, subject to the commitment of 100 per cent matching funds by said town, for the beach nourishment program, so-called, to maintain the quality of said town's beaches; provided further, that not

more than \$50,000 shall be expended for the repair and restoration of the Matthew J. Kuss fishing facility located at Cook pond in the city of Fall River; provided further, that not more than \$100,000 shall be expended for improvements to Sunset lake in the town of Braintree; provided further, that not more than \$30,000 shall be expended to dredge Pine Tree brook in the town of Milton; provided further, that not more than \$200,000 shall be expended for the construction of a waterfront pier located in the town of Salisbury; provided further, that not more than \$150,000 shall be expended to complete construction of a boardwalk in Ames Nowell state park in the town of Abington; provided further, that \$75,000 shall be expended to the town of Millbury for repairs to the Dorothy pond dam in said town; provided further, that not more than \$75,000 shall be expended for the fish ladder system in the town of Pembroke; provided further, that not more than \$125,000 shall be expended for the repair and rehabilitation of fish ladders located in the towns of Kingston, Middleboro and Plymouth; provided further, that not more than \$35,000 shall be expended for the rehabilitation of the great ponds in the town of Pembroke; provided further, that not more than \$200,000 shall be expended for the restoration of Milford pond, also known as Cedar Swamp pond, in the town of Milford; provided further, that \$40,000 shall be obligated for the Holyoke Heritage Park Railroad, Inc.; provided further, that \$250,000 shall be expended on grants for community tree planting and care; provided further, that not less than \$50,000 shall be expended for the treatment of algae and removal of siltation at Winter pond along the Aberjona river in the town of Winchester; provided further, that \$50,000 shall be expended for the design and repair of the historic one-room schoolhouse at Moore State Park in the town of Paxton; provided further, that \$115,000 shall be expended for repairs to the Senator P. Eugene Casey memorial pool in the town of Milford; provided further, that \$30,000 shall be expended for the completion of the restoration of Sandy Point on Plum Island; provided further, that not less than \$125,000 shall be expended for recreational facility renovations at Fort Phoenix state park; and provided further, that the department of environmental

management may issue grants to public and non-public
entities from this item \$3,360,000

Metropolitan District Commission.

2495-8998 For improvements to properties of the commission including, but not limited to, recreational facilities, roadways and parks; provided, that \$350,000 shall be expended to rehabilitate the pool building at the McCrehan pool on Rindge avenue in the city of Cambridge; provided further, that not less than \$100,000 shall be expended for the construction of two ball fields at the Nike Site, so-called, in the High street area in the town of Randolph; provided further, that \$500,000 shall be expended on improvements to Fellsmere pond in the city of Malden; provided further, that not less than \$210,000 shall be expended to replace existing streetlights along Day boulevard in the South Boston section of the city of Boston; provided further, that \$1,000,000 shall be expended for the repair of the drainage structures and wall and fence on Nahant causeway in the town of Nahant; provided further, that \$500,000 shall be expended for stormwater mitigation and best practices grant program for the lower Charles river basin; provided further, that \$300,000 shall be expended for easements in accordance with the scope of the work designated by the department of highway's Cunningham brook/Furnace brook flood control project; provided further, that \$250,000 shall be expended for the repair and restoration of the tide gates located on Quincy shore drive in the city of Quincy in accordance with the scope of the work designated by the department of highway's Cunningham brook/Furnace brook flood control project; provided further, that not more than \$3,500,000 shall be expended for development including, but not limited to, the planning, design and construction of a skating rink facility to be located in the town of Arlington on land of said town or the commission or both; provided, however, that the expenditure of such funds shall be contingent upon said town and said commission securing additional nonstate resources sufficient to fully fund the development of the facility; provided further, that said commission shall expend no funds on the Veterans memorial rink in said town, except in the case of emergencies; provided further, that \$75,000 shall be expended for

the survey and redesign of children's play areas in the Southwest Corridor park to be in compliance with state and federal disability requirements; provided further, that \$100,000 shall be made available for a program of tree planting and replacement with not less than 50 per cent of the trees under this program allocated to cities and towns for use in city and town parks and streets; provided further, that not less than \$100,000 shall be expended on the study and design of a pedestrian overpass over the VFW Parkway in the West Roxbury section of the city of Boston; provided further, that \$250,000 shall be expended for improvements and the general rehabilitation of Bryant skating rink in said West Roxbury section of the city of Boston; provided further, that not less than \$200,000 shall be expended for renovations and improvements to the buildings and property known as Connors memorial pool in the city of Waltham; provided further, that not more than \$180,000 shall be expended for improvement to the structures and water fountain at the Fellsway reservoir in the city of Malden; provided further, that not more than \$25,000 shall be expended for the beautification and clean-up of the Veterans of Foreign Wars parkway and the West Roxbury parkway in the West Roxbury section of the city of Boston; provided further, that not more than \$650,000 shall be expended for repairs to the Kasabuski memorial rink in the town of Saugus; provided further, that not less than \$50,000 shall be expended for a Neponset river reservation manager; provided further, that \$60,000 shall be provided to establish a program to breed the natural predators of the insect Hemlock Wooly Adelgid insect, so-called, and for the testing of such program in the Hemlock Gorge Reservation; provided further, that \$50,000 shall be provided for phase I site analysis and preliminary restoration of the Zoppo property, so-called, owned and operated by the commission in the town of Winthrop; provided further, that \$50,000 shall be expended repairs to the Hull clocktower; provided further, that not less than \$50,000 shall be expended for improvements to Lynn Fells parkway in the town of Saugus; provided further, that \$40,000 shall be expended for the costs associated with conducting an historic structures and programming report for the Brook Farm Print Shop at the

Brook Farm historic site in the West Roxbury section of the city of Boston; provided further, that not less than \$150,000 shall be expended to install street lights on Norumbega road in the town of Weston; provided further, that \$140,000 shall be expended for accessibility improvements to the Metropolis Skating rink in the town of Canton; provided further, that not less than \$150,000 shall be expended to replace the lighting in the McGrath highway tunnel and to replace the lighting under the Washington street bridge; provided further, that \$80,000 shall be expended for the design, repair, reconstruction or relocation of boating access ramps, the design and construction of a barrier-free float system, the construction of a barrier-free sportfishing pier and the installation of signage on the property of the metropolitan district commission at gates 8 and 31 at the Quabbin reservoir; provided further, that \$25,000 shall be expended for sidewalk repairs and the installation of permanent markers that indicate the distance of walking mileage elapsed along Wollaston beach on Quincy Shore drive in the city of Quincy; provided further, that \$195,000 shall be expended for the renovation of the park owned by said commission on Charles River road in the town of Watertown; provided further, that \$200,000 shall be expended for improvements to the Spot pond area in the town of Stoneham; provided further, that not less than \$200,000 shall be expended for the construction of an in-line skating rink at Houghton's pond in the town of Milton; provided further, that not less than \$35,000 shall be expended for replacing the fencing and backstop at Santoro field in the city of Medford; provided further, that not less than \$200,000 shall be expended for the construction of a multi-purpose recreational field on land under the care and control of the metropolitan district commission in the town of Southborough; and provided further, that not less than \$226,125 shall be expended for replacement of jersey barriers, so-called, on the Nahant Causeway in the town of Nahant\$10,191,125

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Public Health.

4590-6666 For the purchase of a coach bus for the Massachusetts Hospital School to transport its patients and patients at Tewksbury Hospital \$315,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6010-0002 For the expenses associated with the Chestnut street turnback project, so-called, in the town of Needham \$2,100,000

Board of Library Commissioners.

7000-1991 For the second and third years of funding for automated network technology for libraries to provide internet accessibility to workstations in member libraries, to provide full multimedia access to electronic library information resources and to extend internet protocol addresses to workstations in libraries not previously affiliated with automated networks \$3,000,000

7000-2992 For matching grants for repairs and improvements to the library of last recourse; provided, that notwithstanding the provisions of any general or special law to the contrary, the amount herein shall be made available subject to a 33 per cent matching cash contribution from funds raised by said library in order to complete the McKim restoration project, so-called \$15,000,000

7000-3993 For grants to cities and towns for approved public library projects authorized by sections 19G to 19I, inclusive, of chapter 78 of the General Laws; provided, that such grants shall only be awarded for projects which commenced after April 10, 1996; and provided further, that not more than \$260,000 in planning grants may be awarded from the amount appropriated herein \$30,190,680

Department of Housing and Community Development.

7004-6666 For community development projects; provided, that \$2,000,000 shall be expended for the Academy of Music in Amherst; provided, that \$400,000 shall be expended for improvements to Peabody circle in the city of Boston; provided further, that \$900,000 shall be expended for the construction of a statewide Vietnam Veterans memorial at Green Hill park in the city of Worcester; provided further, that \$250,000 shall be expended for the renovation of the Alexander Mapp building in the city of Springfield; provided further, that not less than \$250,000 shall be expended for the design and improvements to the Greenleaf park center in said city of Springfield; provided further, that not less than \$2,500,000 shall be provided for the design and construction of a project to extend an existing sewer

main to an industrial-zoned area in the towns of Lancaster, Leominster and Lunenburg; provided further, that prior to the release of any funds from this item for such sewer main, said towns shall provide a 100 per cent match from other sources for such purpose; provided further, that not more than \$190,000 shall be expended for a one-time grant to the Allston-Brighton Community Development Corporation for the purpose of noise barriers and beautification projects in areas adjacent to the Massachusetts turnpike in the neighborhood of Allston-Brighton in the city of Boston; provided further, that not more than \$250,000 shall be expended for the rehabilitation of property within the city of Lawrence; provided further, that not more than \$50,000 shall be expended for the consolidation of functions and other improvements to public buildings in the town of Dennis; provided further, that not more than \$62,000 shall be expended for the construction of an intergenerational community playground at the Davis community playground in the city of Newton; provided further, that \$336,000 shall be expended for the demolition or structural reinforcement of the Bolivar street public works garage in the town of Canton; provided further, that not more than \$100,000 shall be expended for renovations in order to comply with the Americans With Disabilities Act, so-called, for the Veterans Memorial stadium in the town of Rockland; provided further, that \$780,000 shall be expended for Medical City, so-called, in the city of Worcester; and provided further, that not more than \$700,000 shall be expended for a matching grant to the city of Fitchburg for the urban renewal program, so-called \$8,768,000

7007-0401 For regional economic development grants to be administered by the Massachusetts office of business development; provided, that not less than \$239,805 shall be expended for the Central Massachusetts Economic Development Authority; provided further, that not less than \$250,000 shall be expended for the Pittsfield Economic Development Authority; provided further, that not less than \$250,000 shall be expended for the Merrimack Valley Economic Development council; provided further, that not less than \$250,000 shall be expended for the Taunton Redevelopment Authority; and provided further, that not less than \$250,000

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	shall be expended for the Brockton 21st Century corporation, so-called	\$1,239,805
	<i>Department of Education.</i>	
7027-2000 For	a reserve to fund emergency repairs to the Essex agricultural and technical institute; provided, that no funds shall be expended from this item until such times as the secretary of administration and finance certifies that any such repair constitutes an emergency	\$300,000
7027-3000 For	the development of on-line educational resources that are consistent with the Massachusetts curriculum frameworks, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, the department of education shall not enter into any contracts that would cause the commonwealth's obligation to exceed the amount appropriated herein	\$1,000,000
7027-3100 For	the information management expenses of the department of education; provided, that not less than \$2,500,000 shall be expended on completion of the student tracking system which shall serve as a central repository for all individual student results on the Massachusetts comprehensive assessment system, so-called; provided further, that said department shall submit a report to the house and senate committees on ways and means by March 31, 2000 detailing progress towards completion of the student tracking system	\$5,000,000
	<i>Board of Higher Education.</i>	
7066-0011 For	higher education building projects that promote economic development; provided, that \$290,000 shall be expended for the acquisition of the Rogers building, so-called, in downtown Fitchburg; provided further, that \$1,050,000 shall be expended for the completion of the Wood Technology Center, so-called at Mount Wachusett Community College; provided further, that \$3,000,000 shall be transferred to the University of Massachusetts at Dartmouth for a grant to the organization known as the New Bedford aquarium for capital costs associated with the construction of an aquarium on the site of the former Commonwealth electric power plant on Cannon street; provided further, that said funds shall be used to leverage private matching funds in an amount equal to or greater than the amount appropriated herein; provided further, that	

said organization shall submit on or before March 1, 2000, a report to the house and senate committees on ways and means detailing all expenditures made from this item, accompanied by a fundraising plan that shall demonstrate the ability to secure said private matching funds needed to complete said aquarium; and provided further, that the New Bedford aquarium shall consult with the University of Massachusetts at Dartmouth in an effort to create the science, education, and economic development center in New Bedford \$4,340,000

7066-0115 For the purpose of implementing section 15E of chapter 15A of the General Laws to encourage private fundraising by the commonwealth's public institutions of higher education; provided, that funds shall be disbursed on a quarterly basis in proportion to the amount of funds raised by each institution; and provided further, that the board of higher education shall implement such program in a manner which ensures that each institution shall have an equal opportunity to secure matching funds from this item \$11,000,000

State Colleges.

7114-8998 For the purchase of equipment for the Salem State College aquaculture center at Cat Cove \$750,000

Community Colleges.

7515-0100 For a one-time payment for the purchase and installation of technology, as mandated by the board of higher education, at Roxbury Community College \$1,700,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of Fire Services.

8324-1008 For the hazardous material emergency response program \$1,400,000

Department of Correction.

8900-1991 For facility repairs, leased modular units and infrastructure improvements to expand detoxification unit capacity for females with acute substance abuse treatment needs held on bail awaiting trial at Massachusetts Correctional Institution Framingham or another location selected by the department \$5,000,000

NO SECTION 2B.

NO SECTION 2C.

NO SECTION 2D

SECTION 2E. Notwithstanding the provisions of any general or special law to the contrary, the sums appropriated in this section and section 2F are hereby made available for

the purposes specified therein, subject to the provisions of law regulating the disbursement of public funds but the availability of said sums for expenditure shall be subject to the provisions of sections 3 to 9, inclusive, and shall remain available for expenditure until June 30, 2003.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways

6037-9916 For federal aid projects, pursuant to the provisions of section 9 and for nonparticipating portions of such projects; provided, that notwithstanding the provisions of any general or special law, including any other provision of this act, to the contrary, the department of highways shall not enter into any obligations for projects which are eligible to receive federal funds pursuant to the authority granted under this act unless state matching funds exist which have been specifically authorized and are sufficient to fund the corresponding state portion of the federal commitment to fund such obligations; provided further, that the department shall only enter into obligations for such projects pursuant to the authority granted in this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for such use by the general court for the class and category of project for which such obligation applies; provided further, that the funds provided in this item shall not be available for use on the Central Artery/Ted Williams Tunnel Project, so-called; and provided further, that the funds appropriated herein shall be made available until June 30, 2003 \$189,352,605

SECTION 2F.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Asset Management and Maintenance.

1102-2992 For renovations, reconstruction, alterations, and improvements to state-owned buildings for compliance with the Americans With Disabilities Act, so-called, to make such facilities functional for the physically handicapped in accordance with the provisions of section 13A of chapter 22 of the General Laws and other applicable laws and regulations \$5,000,000

1102-4994 For the purpose of complying with environmental laws and regulations applicable to state facilities, implementing sound environmental practices at such facilities, remediating conditions which constitute threats to public health or

the environment including, but not limited to, costs related to the environmental remediation projects undertaken by state agencies pursuant to Executive Order 350, the Governor's Clean State Initiative, so-called, and the removal or replacement or both of underground storage tanks and the remediation of environmental damage related thereto \$25,000,000

Reserves.

1599-0020 For a reserve to be administered by the executive office of administration and finance in cooperation with the quasi-public coordinating council within the department of economic development and the department of housing and community development to support the recapitalization of loan and loan guarantee programs administered by the Massachusetts Housing Partnership, and the Massachusetts Business Development Council; provided, that not less than \$4,000,000 shall be made available for the Massachusetts Housing Partnership; and provided further, that not less than \$3,000,000 shall be made available for the Massachusetts capital access program \$7,000,000

1599-3810 For a reserve to be administered by the executive office for administration and finance in cooperation with the quasi-public coordinating council within the department of economic development to support the recapitalization of loan and loan guarantee programs of the economic stabilization trust; provided, that said trust shall expend the funds in a manner that minimizes risk of default \$2,000,000

1599-4994 For a reserve for costs related to the completion of the Wachusett reservoir project, so-called, pursuant to the provisions of chapter 15 of the acts of 1996; provided, that the secretary of administration and finance may make expenditures from this item and transfer amounts herein to other items of appropriation and allocations thereof for the purposes of this item; provided further, that not less than \$16,500,000 shall be transferred to the metropolitan district commission and expended for completion of design, construction, construction supervision and other activities related to said project; provided further, that not less than \$900,000 shall be expended for repair, replacement or enhancement of the sewerage lines in the Cambridge street neighborhood, so-called, in the city of Worcester in order to provide sufficient capacity to properly transport sewage

from said project; provided further, that not less than \$1,400,000 shall be expended for repair, replacement or enhancement of the sewerage lines in the Newton square neighborhood, so-called, in said city of Worcester, in order to provide sufficient capacity to properly transport sewage from said project; provided further, that not less than \$500,000 shall be expended for reimbursement to the town of Holden for excess sewage transport costs incurred by said town with respect to the Parker-Cook neighborhood, so-called; provided further, that not less than \$1,000,000 shall be expended for sewerage system improvements in the town of Holden solely for the purpose of reducing infiltration and inflow into said town's existing sewerage system; provided further, that not less than \$600,000 shall be expended for reimbursement to the town of West Boylston for extraordinary sewer enterprise start-up costs, so-called, incurred by said town with respect to said project; provided further, that said secretary may enter into interdepartmental service agreements, grant agreements and other contractual agreements on such terms and conditions as he deems necessary to achieve compliance with the consent order dated June 11, 1993, between the Massachusetts Water Resources Authority, the metropolitan district commission and the department of environmental protection and for other related purposes; provided further, that nothing herein shall be deemed to relieve the city of Worcester, the town of West Boylston or the town of Holden from costs associated with the activities referred to herein, if any, in excess of the amounts agreed to by said secretary; and provided further, that \$600,000 shall be expended for the infrastructure projects, including water and sewer, for the so-called 126 corridor in the town of Ashland \$21,500,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Metropolitan District Commission.

2440-9990 For the purposes of capital improvements to roads and bridges under the jurisdiction of the metropolitan district commission; provided, that funds appropriated herein shall be expended on projects identified in said commission's Bridge Capital Needs Reports and Parkways Capital Needs Reports, so-called; provided further, that the commissioner

shall file a report with the house and senate committees on way and means detailing the funds expended herein; provided further, that such report shall include the location of said projects, the cost of said projects, and the commencement and projected completion dates of said projects; and provided further, that such report shall be due not later than October 1, 1999 \$5,000,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

- 6033-9900 For the purpose of meeting capital program commitments of the department of highways, including the state matching share of federally-aided projects in fiscal year 1999 and fiscal year 2000; provided, that such commitments shall not include expenses of the Central Artery/Ted Williams Tunnel project, so-called; provided further, that the commissioner of highways shall, prior to obligating or allocating any portion of the amount appropriated herein, certify to the clerks of the house of representatives, and the senate, the joint committee on transportation and the house and senate committees on ways and means the following information for each project funded from this item: (i) the project name and description; (ii) the project location and contract number; (iii) the general contractor or vendor selected for said project; (iv) the commencement and projected completion date for said project; and (v) the funding sources and cashflow timetable for each such project as follows: the contract award amount, the state and federal share of the contract award, the amount of such state and federal funds committed to the project, the amount from this item to be committed to the project in fiscal year 1999 and fiscal year 2000 and the amount of any additional funding necessary to complete the project beyond said fiscal years; and provided further, that in the event the commissioner shall propose or require additional non-capital funds to be appropriated from the general fund, the Local Aid Fund or the Highway Fund to complete other pending or proposed highway projects in fiscal year 1999 or fiscal year 2000, said commissioner shall file for each such project, the information requested in clauses (i) to (v), inclusive \$80,000,000
- 6037-9917 For the construction or repair of or improvement to non-federally aided roadway projects and for the nonparticipating

portion of federally aided projects; provided, that no funds from this item shall be available for the Central Artery/Ted Williams Tunnel Project, so-called; and provided further, that the funds appropriated herein shall be made available until June 30, 2003 \$236,841,960

EXECUTIVE OFFICE OF PUBLIC SAFETY.

State Police.

8100-0001 For the purchase of state police cruisers; provided, that the colonel of state police shall submit a report on the current state of the cruiser fleet; provided further, that the report shall include the identification number, make and model, age, condition and mileage of every vehicle in said fleet; provided further, that the report shall be based on data taken in July of 1999; and provided further, that the report shall be submitted to the house and senate committees on ways and means not later than October 1, 1999 \$5,000,000

SECTION 3. To meet a portion of the expenditures necessary in carrying out the provisions of section 2E, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in amounts to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of \$37,547,131 to be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway and Capital Projects Improvement Loan, Act of 1999, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2024. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth, but any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 2 O of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 2 O of said chapter 29. All special obligation revenue bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway and Capital Projects Improvement Loan, Act of 1999, and shall be issued for a maximum term

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of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2024. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Fund established in said section 2 O of said chapter 29. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section 2 O of said chapter 29.

SECTION 4. To meet a portion of the expenditures necessary in carrying out the provisions of sections 2F and 41, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in amounts to be specified by the governor from time to time but not exceeding, in the aggregate, the sum of \$397,341,960 to be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway and Capital Projects Improvement Loan, Act of 1999, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2024. All interest and payments on account of principal of such obligations shall be payable from the general fund, unless specified otherwise. All interest and payments on account of principal of obligations made pursuant to items 6037-9916 in section 2E and items 6033-9900 and 6037-9917 in section 2F shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth, but any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 2 O of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 2 O of said chapter 29. All special obligation revenue bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway and Capital Projects Improvement Loan Act of 1999 and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2024. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Fund established in said section 2 O of said chapter 29. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section 2 O of said chapter 29.

SECTION 5. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by sections 2E and 41 and may issue and renew from time to time notes of the commonwealth therefor bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution, but the final maturities of such notes, whether original or renewal, shall be not later than June 30, 2004. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth but the state treasurer may determine to issue any notes as special obligations pursuant to section 2 O of chapter 29 of the General Laws if the notes, or renewals thereof, are to be paid from the proceeds of special obligation bonds to be issued pursuant to said section 2 O of said chapter 29.

SECTION 6. There is hereby established on the books of the commonwealth a Debt Defeasance Trust Fund, to be used, without further appropriation, in the manner and for the purposes specified in section 7. The comptroller shall transfer, effective June 30, 1999, the sum of \$434,889,091 to said fund as follows: \$70,500,000 from the general fund, \$354,389,091 from the Highway Fund and \$10,000,000 from the Local Aid Fund.

SECTION 7. Notwithstanding the provisions of any general or special law, except section 6, to the contrary, the state treasurer shall expend on or before December 31, 1999, from the Debt Defeasance Trust Fund established in said section 6 an amount not to exceed \$434,889,091 for the purpose of purchasing securities to be held for the credit of a sinking fund to be established in accordance with section 49 of chapter 29 of the General Laws. The moneys in such sinking fund shall be applied to pay, at maturity or upon redemption, bonds of the commonwealth to be identified by the state treasurer at the time the sinking fund is established, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of maturity or earlier redemption of such bonds. In selecting the bonds to be paid from the sinking fund, the state treasurer shall attempt to maximize the financial benefits to the commonwealth produced thereby and shall give priority to bonds that are not subject to redemption before maturity or that cannot otherwise be advance-refunded on a tax exempt basis. The state treasurer may enter into an agreement with a trustee for the purpose of establishing the sinking fund for the benefit of the holders of the bonds to be paid pursuant to this section. The provisions of said section 49 of said chapter 29 applicable to sinking funds established with trustees which are not otherwise inconsistent with the provisions of this section shall apply to the deposit of funds pursuant to this section.

SECTION 8. Notwithstanding the provisions of sections 3, 4 and 7, if the state treasurer determines that the benefits to the commonwealth of establishing a sinking fund pursuant to the provisions of said section 7 are inadequate and that the establishment of such fund is not in the best financial interest of the commonwealth, the state treasurer shall, with

the consent of the governor, provide for the expenditures authorized pursuant to sections 2E and 2F and the transfer authorized pursuant to section 41 from the Debt Defeasance Trust Fund established in section 6 in lieu of issuing the bonds authorized in sections 3 and 4.

SECTION 9. Notwithstanding the provisions of any general or special law to the contrary, the department of highways shall take all necessary actions to secure federal highway or mass transportation assistance which is or may become available to the department including, but not limited to, actions authorized under or in compliance with the provisions of Title 23 of the United States Code and section 145 of the Surface Transportation and Uniform Relocation Assistance Act of 1982, P.L. 97-424, the Surface Transportation and Uniform Relocation Act of 1987, P.L. 100-17, the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, the Transportation Equity Act for the 21st Century, P.L. 105-178 and any successor acts or reauthorizations of said acts, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements and making any determinations and certifications necessary or appropriate to the foregoing. If any federal law, administrative regulation or practice requires any action relating to such federal assistance to be taken by an instrumentality of the commonwealth other than the department, such other instrumentality shall take such action.

In furtherance of the foregoing purposes, the department, as appropriate, shall apply for and accept any federal funds available for projects authorized in section 2E and such federal funds, when received, shall be credited to the Federal Highway Construction Program Fund. To meet a portion of the expenditures authorized by said section 2E, there is hereby appropriated to the Federal Highway Construction Program Fund the sum of \$151,805,474 which shall be expended, subject to the limitations contained in Article LXXVIII of the Amendments to the Constitution, and which shall be in addition to the amounts appropriated in section 1 of chapter 15 of the acts of 1988, section 1 of chapter 33 of the acts section 2 of chapter 102 of the acts of 1994, section 2 of chapter 273 of the acts of 1994, section 2 of chapter 113 of the acts of 1996, section chapter 205 of the acts of 1996 and section 2 of chapter 11 of the acts of 1997.

SECTION 10. Notwithstanding the provisions of any general or special law to the contrary, the following bond funded appropriations authorized by sections 2 and 2B of chapter 11 of the acts of 1997 are hereby reduced by the amount specified below for each item:

6033-9716	\$189,352,605
6033-9717	\$236,841,960

SECTION 11. Section 10 of chapter 773 of the acts of 1960, as most recently amended by section 15 of chapter 267 of the acts of 1995, is hereby further amended by striking out the words "one hundred and eighty-two" and inserting in place thereof the following figure:- 200.

SECTION 12. Section 3 of chapter 560 of the acts of 1982, as amended by chapter 305 of the acts of 1988, is hereby further amended by striking out the second paragraph and

inserting in place thereof the following two paragraphs:-

MCET shall be governed and its powers exercised by a board of directors which shall consist of the following 17 individuals or their designees: the commonwealth's chief information officer, the secretary of transportation, the secretary of health and human services, the director of economic development, the commissioner of education, the chancellor of higher education, the president of the University of Massachusetts, the president of the WGBH Educational Foundation, the director of the board of library commissioners, the president of the Massachusetts Municipal Association, the president of the Massachusetts Association of School Superintendents, the president of the Massachusetts Association of School Committees and the president of the Massachusetts Computer Using Educators and four individuals appointed by the governor to serve at his discretion. The directors shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties. The board shall meet not less than four times in each year and shall have final authority over the activities of MCET.

The board may plan, implement and oversee a statewide communications network, to be known as the Massachusetts community network, for the purpose of providing telecommunications services to the public primary and secondary schools, state universities, colleges, community colleges, municipalities and state agencies and for any other purpose determined by the board. The board may also establish charges to be paid by users of the Massachusetts community network the board shall obtain the approval of the commissioner of administration prior to setting or changing any such charges.

SECTION 13. Item 4400-1111 of section 2A of chapter 194 of the acts of 1992, as amended by section 6 of chapter 294 of the acts of 1996, is hereby further amended by striking out, in lines 13 and 14, the words "in an amount not to exceed fifteen million one hundred twenty-five thousand dollars".

SECTION 14. Item 7502-7957 of section 2 of chapter 119 of the acts of 1994 is hereby amended by striking out, in lines 2 to 4, inclusive, the words "; provided, that said project shall be completed not later than June thirtieth, nineteen hundred and ninety-seven" and inserting in place thereof the following words:- and for the construction of an addition to the Susan B. Anthony building; provided, that notwithstanding the provisions of any general or special law to the contrary, the division of capital asset management and maintenance may employ the designer employed to prepare the plans and specifications for the renovation of the heating system in said building to prepare a study and plans and specifications for the addition to said building.

SECTION 15. Section 4 of chapter 273 of the acts of 1994 is hereby amended by striking out the words "two hundred sixty-three million, one hundred thirty-six thousand, nine hundred fifty-eight dollars", inserted by section 47 of chapter 205 of the acts of 1996, and inserting in place thereof the following figure:- \$261,636,958.

SECTION 16. Section 5 of said chapter 273 is hereby amended by striking out, in lines 4 and 5, the words "five hundred seventy-eight million seven hundred two thousand two hundred fifty-four dollars" and inserting in place thereof the following figure:- \$580,202,254.

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SECTION 17. Section 2 of chapter 267 of the acts of 1995 is hereby amended by striking out item 115-0962.

SECTION 18. Said section 2 of said chapter 267 is hereby further amended by striking out item 7115-0961 and inserting in place thereof the following item:-
7115-0961 For the planning, design and construction of a new athletic fitness facility; provided, that in addition to the amounts authorized herein, Westfield State College may borrow \$5,816,000 through the Massachusetts Health and Educational Facilities Authority \$9,516,000

SECTION 19. Said section 2 of said chapter 267 is hereby further amended by striking out item 7511-7961 and inserting in place thereof the following item:-
7511-7961 For the acquisition of land and the building thereon at the Bell Atlantic site, so-called, at 195 Market street in the city of Lynn \$12,000,000

SECTION 20. Said section 2 of said chapter 267 is hereby further amended by inserting after item 7118-0961 the following item:-`

University of Massachusetts System.

7100-0750 For the purchase, leasing and acquisition of telecommunications, electronic, computer, office, research, equipment and administrative systems and the maintenance and renovation costs related to the foregoing; provided, that the University of Massachusetts may borrow \$40,000,000 through the Massachusetts Health and Educational Facilities Authority for this purpose; and provided further, that the borrowing through the Massachusetts Health and Educational Facilities Authority may be structured as a revolving loan program with the maximum principal of loans from such program outstanding at any time not to exceed \$40,000,000 \$40,000,000

SECTION 21. Item 7220-0961 of said section 2 of said chapter 267 is hereby amended by striking out, in lines 3 and 4, the words "is hereby authorized to borrow five million dollars" and inserting in place thereof the following words:- may borrow an amount not greater than \$9,000,000.

SECTION 22. Item 7452-7965 of said section 2 of said chapter 267 is hereby amended by striking out, in lines 3 and 4, the words "the university of Massachusetts at Boston is hereby authorized to borrow twenty-five million dollars" and inserting in place thereof the following words:- the University of Massachusetts at Boston may borrow an amount not greater than \$35,000,000.

SECTION 23. Item 7502-0960 of said section 2 of said chapter 267 is hereby amended by inserting after the word "roadways", in line 7, the following words:- and the construction of an addition to the Susan B. Anthony building.

SECTION 24. Section 3 of said chapter 267 is hereby amended by striking out, in lines 4 and 5, the words "six hundred seventeen million, six hundred eighty-three thousand, nine hundred eleven dollars" and inserting in place thereof the following figure:- \$621,678,911.

SECTION 25. Item 1102-7967 of section 2 of chapter 12 of the acts of 1996 is hereby amended by striking out, in line 6, the words "twenty million dollars" and inserting in place thereof the following figure:- \$40,000,000.

SECTION 26. Said item 1102-7967 of said section 2 of said chapter 12 is hereby further amended by striking out, in lines 15 to 17, inclusive, the words "twenty-six million dollars shall be expended for the construction of the Berkshire county jail and house of correction to be located in the town of Pittsfield" and inserting in place thereof the following:- \$32,000,000 shall be expended for the construction of the Berkshire county jail and house of correction to be located in the city of Pittsfield.

SECTION 27. Said item 1102-7967 of said section 2 of said chapter 12 is hereby further amended by striking out the figure "\$192,755,000" and inserting in place thereof the following figure:- \$198,755,000.

SECTION 28. Section 3 of said chapter 12 is hereby amended by striking out, in lines 4 and 5, the words "four hundred eighty-six million, two hundred fifty thousand, eight hundred sixty dollars" and inserting in place thereof the following figure:- \$492,250,860.

SECTION 29. Item 2120-8962 of section 2 of chapter 15 of the acts of 1996 is hereby amended by inserting after the word "Somerset," in line 19, the following words:- several parcels of land abutting D.W. Field Park in the town of Avon, all as shown on an assessors' map of the town of Avon and designated as parcels 6, 7, 8, C4-9-4, C4-9-3, C3-1-6 and 3.22 acres of land adjacent to parcel 6 and 3 acres now owned by V.F.W. Post No. 8892.

SECTION 30. Said item 2120-8962 of said section 2 of said chapter 15 is hereby further amended by striking out the figure "\$30,000,000" and inserting in place thereof the following figure:- \$32,000,000.

SECTION 31. Item 6033-9717 of section 2B of chapter 11 of the acts of 1997 is hereby amended by inserting after the words "provided further, that not less than \$750,000 shall be provided for the design and construction of the Park Square Historic District gateway project in the city of Pittsfield" the following words:- and for costs associated with land acquisition at the site.

SECTION 32. Item 6033-9799 of said section 2B of said chapter 11 is hereby amended by striking out the words "provided further, that \$1,200,000 shall be expended for the repair and renovation of the Massachusetts state building, so-called, at the eastern state exposition in the town of West Springfield; and, provided further, that no funds from this item shall be expended on said state building until an application for a grant pursuant to item 6033-9703 is submitted to and reviewed by the secretary of the executive office of transportation and construction" and inserting in place thereof the following words:- and provided further, that funds shall be expended for the repair and renovation of the Massachusetts state building, so-called, at the eastern state exposition in the town of West Springfield;.

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SECTION 33. Said item 6033-9799 of said section 2B of said chapter 11 is hereby further amended by striking out the figure "\$13,200,000" and inserting in place thereof the following figure:- \$12,000,000.

SECTION 34. Item 0330-2209 of section 2 of chapter 189 of the acts of 1998 is hereby amended by striking out the words "the relocation of the Ipswich district court facility to the building in Ipswich known as the Ipswich Whipple Middle School and the improvement thereof" and inserting in place thereof the following words:- the improvement of the Ipswich district court facility located in a building known as the Ipswich town hall.

SECTION 35. Item 7004-8986 of section 2 of chapter 257 of the acts of 1998 is hereby amended by adding the following words:- ; provided, that not more than \$750,000 shall be expended for the development of a family preservation center in the southeast region of the commonwealth to be operated by a nonprofit organization under contract with the department of social services.

SECTION 36. Chapter 289 of the acts of 1998 is hereby amended by striking out section 19 and inserting in place thereof the following section:-

Section 19. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established and set up on the books of the commonwealth the Capital Improvement and Investment Trust Fund, the purposes of which shall be to fund items appropriated in section 2 and any other items lawfully appropriated from said fund subsequent to the effective date of this act. The comptroller shall transfer to said fund, effective June 30, 1998, the amount of \$96,235,491 from the general fund and the amount of \$93,000,000 from the Highway Fund. Said fund shall be established as a separate expendable trust, subject to the control of the secretary of administration and finance, who shall serve as the trustee of said fund. Said fund shall expire on June 30, 2003.

SECTION 37. Notwithstanding the provisions of any general or special law to the contrary, the secretary of transportation and construction shall authorize the purchase of the right-of-way owned by the Boston & Maine Corporation in Watertown extending from the point at which said right-of-way intersects Fresh Pond parkway at the Watertown-Cambridge town line to the point at which said right-of-way intersects School street in the town of Watertown by September 15, 1999 for the purpose of constructing a bike path.

SECTION 38. The department of highways shall construct a sound barrier along the northbound section of the southeast expressway from 100 Playstead road northerly to the rear of Savin Hill court in the Dorchester section of the city of Boston, pursuant to section 85 of chapter 205 of the acts of 1996, and shall construct a sound barrier along the northbound section of the southeast expressway along Boston street in the Dorchester section of the city of Boston. The sound barriers shall be constructed within six months following the effective date of this act.

SECTION 39. For the purpose of furthering the legislative policy established by section 3 of chapter 898 of the acts of 1969 and notwithstanding any provisions of said section 3, including the requirement of certain determinations, or any other general or special

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law to the contrary, the parcel of land described in said section 3 and referred to in as Parcel One, together with any trees and structures thereon, is hereby condemned and taken by the power of eminent domain in fee simple and title to said Parcel One is hereby vested in the commonwealth for use by the University of Massachusetts. The taking shall be effective notwithstanding any prior inconsistent public use. Compensation for the taking shall be as provided in this section. Said university shall fulfill all other requirements of chapter 79 of the General Laws as if it were the taking authority and this section shall be deemed to be an order of taking and shall be accepted for filing in the appropriate registry of deeds or land court.

The compensation for this taking shall be \$1,000,000 in scholarships, including fee and tuition waivers, for residents of the city of Boston to attend the University of Massachusetts at Boston and the conveyance with conditions of a certain parcel of land to the Boston Water and Sewer Commission, established by chapter 436 of the acts of 1971. Said parcel of land shall consist of approximately 100,000 square feet and shall be located within the boundaries of Parcel F as said parcel is described on a plan of land entitled "Plan of Land in Boston (Dorchester) Massachusetts, University of Massachusetts Columbia Point Site authorized by the Commonwealth of Massachusetts, Chapter 898 Acts of 1969," dated October 6, 1969, Scale 1" = 200' prepared by New England Survey Service Inc., Civil Engineers and Surveyors 566 Atlantic Avenue, Boston, No. 23244, signed and certified by the secretary of the board of trustees of the University of Massachusetts, an attested copy of which has been recorded with the order of taking by the University of Massachusetts dated October 18, 1969 and recorded at Suffolk District Registry of Deeds at Boston on November 12, 1969, Book 8324, Page 505 and currently used by the university. Notwithstanding the provisions of any other special or general law to the contrary, the board of trustees of the University of Massachusetts, established by section 1A of chapter 75 of the General Laws, may make the conveyance of land authorized herein under the terms and conditions contained in a Memorandum of Understandings between said university and said commission dated January 11, 1999 and on file with the office of the chancellor of the University of Massachusetts at Boston. Said commission may use the conveyed parcel as a permanent transfer station subject to design and use approvals of the University of Massachusetts as agreed to in said memorandum. The eligibility criteria for the scholarships authorized herein shall be determined in accordance with said memorandum. The scholarships shall be in addition to any other scholarships available to residents of the city of Boston and shall be administered directly by the university, notwithstanding the provisions of any other special or general law to the contrary.

If, at any time, the commission determines that the parcel conveyed to it under the provisions of this section is no longer required for the purpose authorized herein, it shall so notify the university and the university may thereupon reacquire said parcel, or portions thereof from time to time, by purchase or by the exercise of the power of eminent domain, within one year from the date of receipt of the notice.

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Notwithstanding the provisions of any other special or general law to the contrary, said university may allow said commission to use and occupy said Parcel One until such time as the commission has obtained all permits and approvals to use the parcel conveyed to it under this section as a permanent transfer station. If after using all diligent and good faith efforts, the commission cannot obtain the permits and approvals, then the university may reconvey said Parcel One to the commission with the same conditions and restrictions as found in section 3 of said chapter 898 of the acts of 1969 and all other provisions of this act shall become void.

SECTION 40. The administrative office of the trial court shall enter into competitively selected contracts with private entities having experience in the operation of building facilities to provide property management services for the new trial court building located on New Chardon street in the city of Boston and the new Fenton judicial center in the city of Lawrence. Said contracts shall be executed not later than October 1, 1999.

SECTION 41. The state treasurer shall transfer \$10,000,000 from revenues credited to the Local Aid Fund in fiscal year 1999 to the Water Pollution Abatement Revolving Fund for the purposes of the commonwealth's match to federal capitalization grants received under Title VI of the federal Clean Water Act, for application pursuant to the provisions of chapter 29C of the General Laws by the water pollution abatement trust for the purposes specified in said chapter 29C.

SECTION 42. The commissioner of capital asset management and maintenance, in the name of and on behalf of the commonwealth, shall, pursuant to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, acquire certain real property located in the town of Ayer for use as a parking lot for the Ayer district court division of the district court department of the trial court at 18 Prospect street and more particularly described as follows:-

Beginning at the southwesterly corner of the granted premises at the intersection of Prospect Street and School Street;

thence, running northerly by said School Street forty-six and zero hundredths (46.00) feet;

thence, turning at a right angle and running easterly by land of Nellie E. Fox, sixty-four and zero hundredths (64.00) feet;

thence, turning at a right angle and running southerly by land of Nellie E. Fox forty-six and zero hundredths (46.00) feet to said Prospect Street;

thence, turning at a right angle and running westerly by said Prospect Street sixty-four and zero hundredths (64.00) feet to the point of beginning, this line making a right angle with the first described line.

Said parcel contains two thousand nine hundred forty-four and zero hundredths (2,944.00) square feet more or less.

Being the same premises conveyed by Marie P. Walsh to Marie P. Walsh, Trustee of the Mid-Hill Trust dated April 4, 1974 and recorded at the Middlesex south district registry of deeds in Book 12610, Page 553.

SECTION 43. Notwithstanding the provisions of any general or special law to the contrary, the comptroller may, at the direction of the secretary of administration and finance, transfer to item 6033-9900 of section 2F up to \$80,000,000 in fiscal year 1999 and fiscal year 2000 expenditures of the department of highways that would otherwise be paid from the Highway Capital Projects Fund or the state share costs related to the Federal Highway Construction Program Fund.

SECTION 44. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer, effective June 30, 1999, to the Capital Improvement and Investment Trust Fund established pursuant to section 19 of chapter 289 of the acts of 1998, as amended by section 36 of this act, the amount of \$164,310,705 from the general fund. Said amount so transferred shall be for the expenditure of items of appropriation in section 2A of this act, subject to the provisions governing the disbursement of monies from said trust fund established by said section 19 of said chapter 289, as so amended.

SECTION 45. Expenditures by the department of highways from item 6037-9916 of section 2E and item 6037-9917 of section 2F shall be made for the following purposes and projects:-

Contract Number	Fed. Aid	Vendor Name	Dist	City/Town	Description
9099125	Y	PA Landers	5	Abington	Abington/Rte. 123 - Resurfacing
9099080		Bardon Trimount	3	Acton	Acton/Littleton Rte. 119 Resurfacing
9098417		SPS New England, Inc.	4	Amesbury	Amesbury/Clinton St., over Back River
		Roads Corporation	4	Andover	Bridge Replacement River Road
8098426		Dupont Engineering Corp.	3	Ashburnham	Ashburnham/Lakeshore Drive
9098483	Y	ET&L; Construction Corp.	3	Ashland	Ashland-Fountain St., over Conrail
9099187		Levangie Electric Co.	3	Auburn/Worcester	Highway Lighting
9098469	Y	AGM Marine Contr.	5	Barnstable	Barnstable/Mashpee- School St over Santuit River
9099155	Y	Palmer Paving Corp.	2	Belchertown	Belchertown-Rte. 9 Resurfacing
9099189		Severyn Construction, Inc.	2	Belchertown	Intersection Improvements Main St./Maple St./Jabish St.
9099217		Pavao Construction	3	Bellingham	Intersection Improvements Rte. 140 (Mechanic St.)
9099239		Granger-Lynch	3	Berlin	Bridge Replacement- Jones Road

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Contract Number	Fed. Aid	Vendor Name	Dist	City/Town	Description
9099006		Roads Corporation Roads Corporation	4	Beverly Beverly- Danvers	Beverly/Rte. 1A Roadway Reconstruction-Rte. 62
9098418		Paolini Corp	3	Bolton	Bolton/Rte. 117, Main Street
9099038		Dupont Engineering Corp	4	Boston	Boston/Dedham Rte. 109
9099017	Y	The Middlesex Corp	4	Boston	Boston/Meridian over Chelsea River
9099147		E.G. Sawyer	4	Boston	Computer Upgrade Project
			4	Boston	Dudley Greenhouse
			4	Boston	Huntington Ave.
			4	Boston	Hyde Park Ave.
9099188		City Lights Electrical Co.	4	Boston	Lighting Transformer Rehab for Dewey Sq. Tunnel
9099183		R. Zoppo Corp	4	Boston	Preventive Maintenance & Emergency Repairs Cana Tunnel, Dewey Sq. Tunnel & HOV Lane
9099129		PA Landers	5	Bourne	Bourne/Rte 6 Nightingale pond road
9099071		P.A. Landers	4	Braintree	Braintree/Church St., RW Reconstruction
9098306		J.S. Luiz II, Inc.	5	Bridgewater	Bridgewater/ Construction of Steel Storage Bld. at MHD Facility
9099186	Y		5	Bridgewater	Reconstruction of Rte. 104 to Rte. 24
9099084	Y	P.A. Landers	5	Brockton	Brockton/Allen St. over the Salisbury Brook
9099120	Y	PA Landers	5	Brockton	Brockton/Belmont St. rte. 123/Resurfacing
9099127		Bardon Trimount	4	Brookline	Brookline/Newton St.- Ryder Cup
	Y		5	Carver/Kingston	RTE 44
9099097	Y	Mackin Construction Company	1	Charlemont	Charlemont/Maxwell Road
9099168		SPS New England, Inc.	4	Chelmsford	Chelmsford-Rest Area I-495 SB, Const. of Sanitary Bldg. with a Kiosk

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Contract Number	Fed. Aid	Vendor Name	Dist	City/Town	Description
9099145		Bruschi Bros. Inc.	2	Chicopee	Chicopee/Shawinigan Drive
		Mackin Construction Company	1	Colrain	Bridge Replacement Shattuckville Road/North River
8098430	Y	Warner Bros. Inc.	1	Colrain	Colrain-Franklin Hill Rd.
9098236	Y	L. Hunter Greenwood	1	District 1	D1 Survey
9098229	Y	Central Mass L S	2	District 2	D2 Survey
9098232	Y	Cullinan Engineering	2	District 2	D2 Survey
8098437		Gardner Engineering Inc.	2	District 2	D-2/Restoration of Various Salt Sheds
8098444		L & C; Flashing Barricades	2	District 2	D2-Fabrication & Install of Overhead & Ground Mounted Guide Signs
9099223		Borges	2	District 2	Reconstruction of Drainage Structures
		LAL Construction	2	District 2	Scheduled & Emergency Bridge Repairs to Bridge Joints @ Various Locations
9099254		Warner Bros. Inc.	2	District 2	Upgrade and Installation of Title V Septic Systems
			2	District 2	Water Quality Consent Order Contracts
9098231	Y	Moran Survey	3	District 3	D3 Survey
9099167	Y	Visi-Flash Rentals	3	District 3	D-3/Hydrocell Crash Cushion Repair & Replacement
9098245	Y	Kurdish Assoc.	3	District 3	D3-Survey
9099225		UEL Contractors	3	District 3	Upgrade and Installation of Title V Septic Systems(Contract 1)
9099237		Construction Dynamics	3	District 3	Upgrade and Installation of Title V Septic Systems/Contract 2)
9098448		Sealcoating	4	District 4	Bridge Joint Repairs - Emergency Repairs & Scheduled Maintenance
9098449		Sealcoating	4	District 4	Bridge Joint Repairs - Emergency Repairs & Scheduled Maintenance
8098476		Prime Coatings, Inc.	4	District 4	D4/Bridge Cleaning & Drainage System Maintenance

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Contract Number	Fed. Aid	Vendor Name	Dist	City/Town	Description
8098479		SPS New England, Inc.	4	District 4	D-4/Repairs to Maintenance Facilities
8098475		Prime Coatings, Inc.	4	District 4	D4-Bridge Cleaning & Maintenance
9098246	Y	Kurdish Assoc.	4	District 4	D4-Survey
9098237	Y	Atlantic Engineering Assoc.	4	District 4	D4-Survey
602786		D'Allessandro Corp.	4	District 4	Fence Refurbishment on Various State Highways
9099208-210		SPS New England	4	District 4	Schedule and Emergency Repairs to various drawbridges
9099192		SPS New England	4	District 4	Scheduled & Emergency Repairs to Abutments, Pier Caps & Columns Middlesex/Essex
9099193		SPS New England	4	District 4	Scheduled & Emergency Repairs to Abutments, Pier Caps & Columns Norfolk & Suffolk
8098447		L & C; Flashing Barricades	5	District 5	D-5/Fabrication & Install of Overhead & Ground Mounted Guide Signs
9098241	Y	Robert Lanzoni	5	District 5	D5-Survey
9099211		Pavao Construction	5	District 5	Drainage Improvements/Area A
9099212		Pavao Construction	5	District 5	Drainage Improvements/Area B
99224		J&J; Contractors & MIG Corp.	5	District 5	Emergency and Non-Routine Structural Repairs @ various bridges
9099185		NEL Corp	5	District 5	Emergency and Scheduled Bridge Deck Repairs
9099222	Y	LAL Construction	5	District 5	Improvement & Refurbishment of Crash Cushion
9099221		Visi-Flash Rentals	5	District 5	Improvement & Refurbishment of Sand Barrel Crash Cushions @ various Locations
9099203		NEL Corp	5	District 5	Non-routine Maintenance & Emergency Repairs to Drawbridges
			5	District 5	Upgrade to Sanitary Facilities

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Contract Number	Fed. Aid	Vendor Name	Dist	City/Town	Description
9099156	Y	ETL Construction Corp	3	Dudley	Dudley-Webster: Oxford Ave. over the French River
			2	Easthampton/ W. Springfield	Clean & Paint 3 Bridges
9099241	Y	Jay Cashman, Inc.	5	Fall River	Brightman St. Bridge
9099179	Y	ETL Construction Corp	5	Falmouth	Falmouth - Church St.
	Y		3	Fitchburg	Fifth Street Bridge
9099031	Y	Dupont Engineering Corp.	3	Fitchburg	Fitchburg/Townsend over Baker Brook
9099036	Y	A.R. Belli/A.R. Equipment Corp	3	Framingham	Framingham/Natick: Speen St.
9099159		Warner Bros. Inc.	2	Gill	Gill-Rest Area Improvements Rte. 2 (WB) Kiosk at French River Bridge
9099063		D & R; General Contractors	4	Gloucester	Gloucester/ Rte. 127 A
			1	Granville	Bridge Replacement Water St./ Dickinson
			2	Greenfield	Bridge Replacement Green River Road/Hinsdale Brook
9099136	Y	Brox Industries	4	Haverhill	Haverhill/I495 Resurfacing
9099214		Lane Construction Group	1	Hinsdale	Resurfacing & Rel. Work on Rte. 8
9099100		A.R. Belli	3	Holliston	Holliston/Rte. 16/126 RW Reconstruction and Signals
9098486	Y	ET&L; Construction Group	3	Hubbardston	Hubbardston/Hale Rd./ Natty Pond Brook
9099153		Bardon Trimount	4	Ipswich	Ipswich-Central St/ High St. Rtes. 1A & 133
	Y		5	Kingston/ Plymouth	Rte. 44 & Rte. 3 Reconstruction
9099018	Y	Labrie Asphalt & Construction	1	Lanesborough	Lanesborough/Brodie Mt. Road
			4	Lawrence	Landfill/SEPs
			1	Lenox	Kemble St. State Route 7A

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Contract Number	Fed. Aid	Vendor Name	Dist	City/Town	Description
9098456		J.H. Maxymillian, Inc.	1	Lenox	Lenox/Rte. 7 Construction of PreEng. Steel Storage Shed at MHD Facility
			4	Lexington	Roadway Reconstruction - Marret Road and Rte. 2A
9099249		SPS New England	4	Lowell	Bridge Betterment Bridge St./Merimack River
9098482		S.W. Construction	4	Lowell	Lowell/Bridge Replacement, Jefferson St.
9099114		C&A; Construction	2	Ludlow	Ludlow/Shawinigan Drive Reconstruction
9099173		Jay Cashman, Inc.	3	Marlboro	Marlboro/Southboro: I-495 Interchange
9099175		Middlesex Corp	5	Marshfield	Marshfield/Scituate - Rte. 3A Bridge, North River
9099043		LAL Construction	3	Medfield	Medfield Rte. 109 Rway Reconstruction
9099037		SPS New England, Inc.	4	Merrimac	Merrimac/I-495, SB Sanitary Building Construction
9098400		Sealcoating	4	Methuen	Methuen/Rte. 113 Resurfacing
9099182		Northeast Engineering & Construction	4	Middleton	Construction of a Communication Tower
8098439	Y	Zoppo Corp	3	Millbury	Millbury/Landscaping Rte. 122A Interchange
	Y		3	Milton/Quincy	Construction of Noise Barriers along I-93
9099139	Y	Gagliarducci Construction, Inc.	1	Monroe	Monroe/River Road
9099228	Y	D&D; Enterprises	5	Nantucket	Construction of Bikeway/ EEL Point Rd.
			4	Newbury	Bridge Reconstruction - parker river/Larkin Road
9099234		SPS New England	4	Newbury	Bridge Replacement Newman Rd./ Little River
9099184		SPS New England	4	Newbury	Enbankment Stabilization Project on Rte. 1

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Contract Number	Fed. Aid	Vendor Name	Dist	City/Town	Description
9098454	Y	Eastern Seabrd Construction	4	Newburyport	Newburyport/West Newbury/Curzon Mill Rd./Artichoke River
9099025		Bardon Trimount	4	North Reading	N. Reading/Rte. 28
	Y		2	Northampton	Bridge Replacement - Old Spfld Rd. over the Mill River
	Y		2	Orange	Bridge Replacement Royalston St./Tully river
6028097		OMNI Construction Corp.	2	Palmer	Emergency Bridge Repairs
9099176		OMNI Construction Corp.	2	Palmer	Palmer-Main St., Retaining Wall Construction
9099177		SPS New England, Inc.	4	Quincy	Quincy-Roadway and Bridge at Quincy Ctr. Concourse
8098480		Middlesex Corp	4	Quincy	Quincy-Rte 31 over Fore River
8098478		J. Tropeano, Inc.	4	Reading	Reading/Rte. 28
9099051		Bardon Trimount	4	Rockport	Rockport/Rte. 127A/ Resurfacing
8098440		Lane Construction Group	1	Russell	Russell/Rte. 20 Resurfacing & Rel. Work
9099052		Bardon Trimount	4	Salem	Salem/Swampscot Rd./ Resurfacing
9099047		J.S. Luiz II, Inc.	5	Sandwich	Sandwich-Construction Site Improvements; Rte. 6 Rest Area
9099053	Y	G.M. Berkeley	4	Saugus	Saugus/Hamilton St.
9099204		Baltazar Contractors, Inc.	1	Shelburne	Intersection Reconstruction on Rte. 2@ Mechanic St.
9099117		Mackin Construction Company	1	Shelburne	Shelburne/Rte. 112 Reconstruction
9099066		Liddell Brothers, Inc.	4	Somerville	Som. to Wilmington I-93 Pull Thru Sign Panels
8098459		Gardner Engineering Inc.	2	South Hadley	S. Hadley/Rt. 33 Construction of Pre-Engineered Storage Facility
9098450		Warner Bros. Inc.	2	South Hadley	S. Hadley/Resurfacing Rt. 33
9099150		Lorusso Corp.	3	Southborough	Southborough-Rte. 30- Resurfacing
9099045		Palmer Paving Corp	3	Southbridge	Southbridge - Rte. 131
			2	Springfield	BBHOF
	Y		2	Springfield	I-91 Ramp Reversal/ BBHOF

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Contract Number	Fed. Aid	Vendor Name	Dist	City/Town	Description
			0	Statewide	Contingency
			SW	Statewide	Solid Waste Accumulation (BMPs)
			SW	Statewide	Solid Waste Removals
9098251	Y	Joan Swanson	0	Statewide	SW-Geodetic/Survey
9098492	Y	Liddell Brothers, Inc.	0	Statewide	SW-Truck Weigh Stations Improvement Project
			SW	Statewide	Water Quality Consent Order Contracts (Round 2)
9099154	Y	OMNI Construction Corp.	3	Sterling	Sterling-Crowley Rd./ Stillwater River
9099142	Y	Tilcon Capaldi, Inc.	5	Swansea	Swansea/Rte. 118/Mall Drive Reconstruction
			5	Taunton	Building Renovations
9099141	Y	Walsh Cont. Corp.	5	Taunton	Taunton/Ingell St./ Mill River
9099137		Camdele Construction	2	Templeton	Templeton/Sanitary Building
9099122		JJ Phelan & Son Co., Inc.	4	Topsfield	Topsfield/Rte. 1 @ Ipswich Road
9099002		Dupont Engineering Corp.	3	Townsend	Townsend/Old Turnpike Rd.
9099162	Y	A.F. Amorello & Sons	3	Upton	Upton-Pleasant St. Rway Reconstruction
9098495		Ricci Concrete Construction	4	Wakefield	Wakefield/Meriam St., over MBTA
9099046		D & R; General Construction	4	Wakefield	Wakefield/North Ave. Reconstruction
9099140		LAL Construction	4	Waltham	Waltham/Main St. @ I-95 @ Bear Hill Road
9099158		Construction Dynamics	4	Waltham	Waltham/Weston- South St. & River Rd. over Stony Brook
			3	Webster	Rte. 193 @ I-395
9099161	Y	James A. Gross, Inc.	2	Westhampton	Westhampton-Kings Hwy over the Manhan River
9099014		SPS New England, Inc.	4	Westwood	Westwood/Rte. 128 Vending Shed & Kiosk

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Contract Number	Fed. Aid	Vendor Name	Dist	City/Town	Description
9099205		P.A. Landers, Inc.	5	Weymouth	Traffic Safety Improvements at Main St., Rte. 18
			2	Winchendon	Bridge Replacement Spring St./Millers River
9099030	Y	Construction Dynamics	3	Worcester	Worcester/Gates St. Over Conrail
9099011	Y	Zoppo Corp	3	Worcester	Worcester/Kane A, Nursery & Landscaping
9098423	Y	SeasonsLandscaping	3	Worcester	Worcester/Millbury/ Kane B Nursery & Landscaping Project
9099238	Y	F&D; Truck Co., Inc.	3	Worcester/ Millbury	Demolition of 19 Structures (Rte. 146)
		P.A. Landers, Inc.	5	Yarmouth	Safety Improvement Project Rte. 28 @ Forest Rd.

SECTION 46. This act shall take effect as of June 30, 1999.

This bill was returned on August 12, 1999, by the Governor to the House of Representatives, the branch in which said bill was originated, with his objections in writing to the following items therein:

Items Disapproved:

SECTION 2A: 1102-3993 6010-0002 7515-0100 8900-1991

SECTIONS: 21, 22, 29, 30, 33, 37, 38.

SECTION 2A: *Items reduced in amount*

Item	Reduce by	Reduce to
0526-0101	3,751,075	4,000,000
1102-1991	7,650,000	7,380,000
7066-0115	3,000,000	8,000,000

SECTION 2F: *Items reduced in amount*

Item	Reduce by	Reduce to
1102-4994	15,000,000	10,000,000
2440-9990	1,000,000	4,000,000

SECTION 2A: *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
1102-3332	1,735,000	725,000	“; provided, that not less than \$35,000 shall be expended for the demolition of abandoned buildings which pose a serious health and safety

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Item	Reduce by	Reduce to	Wording Stricken risk, at 1551, 1553 and 1555 Main street in the city of Worcester; provided further, that not less than \$750,000 shall be expended for the demolition and development of property in the city of Lawrence” and “; provided further, that not less than \$750,000 shall be expended for the demolition and site remediation of the Photech site building, so-called, in the town of Williamstown” and “; provided further, that not less than \$200,000 shall be expended for the demolition of the Old Kendall mill in the town of Colrain”
2120-7997	1,982,500	439,125	“; provided, that \$225,000 shall be expended for the repair or rehabilitation of the Lake Gardner dam in the town of Amesbury; provided further, that \$250,000 shall be expended for the repair and rehabilitation of public dams in the towns of Carver, Halifax, Kingston and Plymouth, provided further; that not less than \$100,000 shall be expended for repairs to dams in the town of North Attleborough” and “; provided further, that not less than \$187,500 shall be expended for repairs to Slater’s pond dam in the town of Oxford; provided further, that not less than \$100,000 shall be expended for the completion and construction of the Lackey pond dam in the town of Uxbridge provided that a two- for-one match by a private organization shall be included against the total project cost for said dam” and

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Item	Reduce by	Reduce to	Wording Stricken
			“; provided further, that not less than \$850,000 shall be expended for the study, design and repair of the Upper Mystic dam; provided further, that \$70,000 shall be expended for the repair and reconstruction of the Lake Monomonac dam in the town of Winchendon; provided further, that not more than \$100,000 shall be expended for the repair of the Forge pond dam in the town of East Bridgewater”
			and
			“; and provided further, that not more than \$100,000 shall be made available for the repair or rehabilitation of the Doublebrook dam in the town of Middleborough”
2120-7999	2,085,000	1,275,000	“; provided further, that \$700,000 shall be expended for the dredging of Hardy pond in the city of Waltham; provided further, that not more than \$580,000 shall be expended for the plans, engineering, design, permitting and construction of a multiple lane boating access ramp and appurtenant facilities on the Merrimack river in the City of Lowell”
			and
			“; provided further, that not more than \$50,000 shall be expended for the repair and restoration of the Matthew J. Kuss fishing facility located at Cook pond in the city of Fall River; provided further, that nor more than \$100,000 shall be expended for improvements to Sunset lake in the town of Braintree; provided further, that not more than \$30,000 shall be expended to dredge Pine Tree brook in the town of Milton”
			and

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Item	Reduce by	Reduce to	Wording Stricken
			<p>“; provided further, that not more than \$150,000 shall be expended to complete construction of a boardwalk in Ames Nowell state park in the town of Abington; provided further, that \$75,000 shall be expended to the town of Millbury for repairs to the Dorothy pond dam in said town”</p> <p>and</p> <p>“; provided further, that not more than \$35,000 shall be expended for the rehabilitation of the great ponds in the town of Pembroke; provided further, that not more than \$200,000 shall be expended for the restoration of Milford pond, also known as Cedar Swamp pond, in the Town of Milford”</p> <p>and</p> <p>“; provided further, that \$50,000 shall be expended for the design and repair of the historic one-room schoolhouse at Moore State Park in the town of Paxton; provided further, that \$115,000 shall be expended for repairs to the Senator P. Eugene Casey memorial pool in the town of Milford”</p>
2495-8998	8,566,125	1,625,000	<p>“; provided further that not less than \$100,000 shall be expended for the construction of two ball fields at the Nike Site, so-called, in the High street area in the town of Randolph”</p> <p>and</p> <p>“; provided further, that not less than \$210,000 shall be expended to replace existing streetlights along Day boulevard in the South Boston section of the city of Boston; provided further, that \$1,000,000 shall be expended for the repair of the drainage structures and wall and fence on Nahant causeway in the town of Nahant; pro-</p>

Item	Reduce by	Reduce to	Wording Stricken
			<p>vided further, that \$500,000 shall be expended for stormwater mitigation and best practices grant program for the lower Charles river basin; provided further, that \$300,000 shall be expended for easements in accordance with the scope of the work designated by the department of highway's Cunningham brook/Furnace brook flood control project; provided further, that \$250,000 shall be expended for the repair and restoration of the tide gates located on Quincy shore drive in the City of Quincy in accordance with the scope of the work designated by the department of highway's Cunningham brook/Furnace brook flood control project; provided further, that not more than \$3,500,000 shall be expended for development including, but not limited to, the planning, design and construction of a skating rink facility to be located in the town of Arlington on land of said town or the commission or both; provided, however, that the expenditure of such funds shall be contingent upon said town and said commission securing additional nonstate resources sufficient to fully fund the development of the facility; provided further, that said commission shall expend no funds on the Veterans memorial rink in said town, except in the case of emergencies; provided further, that \$75,000 shall be expended for the survey and redesign of children's play areas in the Southwest Corridor park to be in compliance with state and federal disability requirements; provided further, that \$100,000 shall be made available for a program of tree planting and replacement with not less than 50 per cent of the trees under this program allocated to cities and towns for use in city and town parks and streets"</p> <p>and</p> <p>“: provided further, that not less than \$200,000 shall be expended for renovations and improve-</p>

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Item	Reduce by	Reduce to	Wording Stricken
			ments to the buildings and property known as Connors memorial pool in the city of Waltham; provided further, that not more than \$180,000 shall be expended for improvements to the structures and water fountain at the Fellsway reservoir in the city of Malden”
			and
			“; provided further, that not more than \$650,000 shall be expended for repairs to the Kasabuski memorial rink in the town of Saugus; provided further that not less than \$50,000 shall be expended for a Neponsit river reservation manager; provided further, that \$60,000 shall be provided to establish a program to breed the natural predators of the insect Hemlock Wooly Adelgid insect, so-called, and for the testing of such program in the Hemlock Gorge Réservation”
			and
			“provided further, that \$50,000 shall be expended repairs to the Hull clocktower; provided further, that not less than \$50,000 shall be expended for improvements to Lynn Fells parkway in the town of Saugus; provided further, that \$40,000 shall be expended for the costs associated with conducting an historic structures and programming report for the Brook Farm Print Shop at the Brook Farm historic site in the West Roxbury section of the city of Boston”
			and
			“; provided further, that \$140,000 shall be expended for accessibility improvements to the Metropolis Skating rink in the town of Canton; provided further, that not less than \$150,000 shall be expended to replace the lighting in the McGrath highway tunnel and to replace the light-

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Item	Reduce by	Reduce to	Wording Stricken
			ing under the Washington street bridge; provided further, that \$80,000 shall be expended for the design, repair, reconstruction or relocation of boating access ramps, the design and construction of a barrier-free float system, the construction of a barrier-free sportfishing pier and the installation of signage on the property of the metropolitan district commission at gates 8 and 31 at the Quabbin reservoir; provided further, that \$25,000 shall be expended for sidewalk repairs and the installation of permanent markers that indicate the distance of walking milage elapsed along Wollaston beach on Quincy Shore drive in the city of Quincy; provided further, that \$195,000 shall be expended for the renovation of the park owned by said commission on Charles River road in the town of Watertown”
			and
			“; provided further, that not less than \$200,000 shall be expended for the construction of an in-line skating rink at Houghton’s pond in the town of Milton; provided further, that not less than \$35,000 shall be expended for replacing the fencing and backstop at Santoro field in the City of Medford; provided further, that not less than \$200,000 shall be expended for the construction of a multipurpose recreational field on land under the care and control of the metropolitan district commission in the town of Southborough; and provided further, that not less than \$226,125 shall be expended for replacement of jersey barriers, so-called, on the Nahant Causeway in the town of Nahant”
7004-6666	3,238,000	5,530,000	“; provided, that \$400,000 shall be expended for improvements to Peabody circle in the City of Boston; provided further, that \$900,000 shall be

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Item	Reduce by	Reduce to	Wording Stricken
			expended for the construction of a statewide Vietnam Veterans memorial at Green Hill park in the city of Worcester; provided further, that \$250,000 shall be expended for the renovation of the Alexander Mapp building in the city of Springfield.”
			and
			“; provided further, that not more than \$190,000 shall be expended for a one-time grant to the Allston-Brighton Community Development Corporation for the purpose of noise barriers and beautification projects in areas adjacent to the Massachusetts turnpike in the neighborhood of Allston-Brighton in the city of Boston; provided further, that nor more than \$250,000 shall be expended for the rehabilitation of property within the city of Lawrence; provided further, that not more tha \$50,000 shall be expended for the consolidation of functions and other improvements to public buildings in the town of Dennis; provided further, that not more than \$62,000 shall be expended for the construction of an intergenerational community playground at the Davis community playground in the city of Newton; provided further, that \$336,000 shall be expended for the demolition or structural reinforcement of the Bolivar street public works garage in the town of Canton; provided further, that not more than \$100,000 shall be expended for renovations in order to comply with the Americans With Disabilities Act, so-called, for the Veterans Memorial stadium in the town of Rockland”
			and
			“; provided further, that not more than \$700,000 shall be expended for a matching grant to the city of Fitchburg for the urban renewal program, so-called”

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Item	Reduce by	Reduce to	Wording Stricken
7007-0401	739,805	500,000	“; provided, that not less than \$239,805 shall be expended for the Central Massachusetts Economic Development Authority”

and

“; provided further, that nor less than \$250,000 shall be expended for the Taunton Redevelopment Authority; and provided further, that not less than \$250,000 shall be expended for the Brockton 21st Century corporation, so-called”

SECTION 2A *Items reduced in amount and by striking the wording and inserting in place thereof the following:*

Item	Reduce by	Reduce to	Wording Stricken
0526-0111	3,625,188	4,388,237	“; provided, that \$500,000 shall be expended for improvements to the historic Echo bridge in the city of Newton; provided further, that \$40,000 shall be expended for the restoration of the historic Hopedale statue; provided further, that not less than \$1,429,475 shall be expended for a one-time payment to Springfield Technical Community College for repair and renovation of building #11; provided further, that not less than \$100,000 shall be expended for the restoration of the historic Centennial grove in the town of Essex; provided further, that nor less than \$179,450 shall be expended for the Olmstead Historic Landscape Preservation Project in the town of Wareham”

and

“; provided further, that not less than \$291,000 shall be expended for the structural repairs necessary for the historic preservation of the United First Parish Church in the city of Quincy; provided further, that not less than \$100,000 shall be expended for structural repairs necessary for the preservation and repair of the Soper mem-

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			orial fountain, so-called, located on Taunton Green in the city of Taunton; provided further, that not less than \$180,000 shall be expended for a restoration project for the Tobey house in the town of Wareham”
			and
			“; provided further, that not less than \$30,000 shall be expended for the restoration and maintenance of the Walnut square school clock tower in the city of Haverhill”
			and
			“; provided further, that \$500,000 shall be provided for the preservation and restoration of Saint Alphonsus Theater in the city of Boston in accordance with the United States Secretary of the Interior’s Standard for the treatment of historic properties, as set forth in 36 C.F.R. Part 68 (July 12, 1995); provided further, that not less than \$50,000 shall be expended for historic preservation grants”
			and
			“; provided further, that not less than \$30,000 shall be expended for the reconstruction of the historic Foster Fountain in Central park in the town of Clinton; provided further, that not less than \$100,000 shall be expended to complete the restoration of the Hollis street fire station in the town of Framingham; provided further, that not less than \$100,000 shall be expended to erect a commemorative statue of Benjamin Franklin at the Franklin Public Library; provided further, that not less than \$150,000 shall be expended to complete the restoration and preservation of the Brooks estate in the city of Medford”

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Item	Reduce by	Reduce to	Wording Stricken and
			“; provided further, that not less than \$20,000 shall be made available for the Whitcomb House in the town of Boxborough”
			and
			“; provided further, that \$40,000 shall be made available for the repairs to the clock tower of the Old West Church in the city of Boston”
			and
			“; provided further, that not more than \$500,000 shall be expended for the rehabilitation, repairs and improvements to historic Stetson hall in the town of Randolph”
			<i>Wording Inserted</i>
			“; provided further, that not less than \$714,737 shall be expended for a one-time payment to Springfield Technical Community College for repair and renovation of building #11”

Items reduced in amount and by striking the wording and inserting in place thereof the following:

Item	Reduce by	Reduce to	Wording Stricken
Section 6	26,000,000	408,889,091	“the comptroller shall transfer, effective June 30, 1999, the sum of \$434,889,091 to said fund as follows: \$70,500,000 from the general fund, \$354,389,091 from the Highway fund and \$10,000,000 from the Local Aid Fund”
			<i>Wording Inserted</i>
			“the comptroller shall transfer, effective June 30, 1999, the sum of \$408,889,091 to said fund as follows: \$54,500,000 from the General Fund and \$354,389,091 from the Highway Fund”

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Item	Reduce by	Reduce to
Section 41	4,581,037	5,418,963

Wording Stricken

The state treasurer shall transfer \$10,000,000 from revenues credited to the Local Aid Fund in fiscal year 1999 to the Water Pollution Abatement Revolving Fund for the purposes of the commonwealth's match to federal capitalization grants received under Title VI of the federal Clean Waters Act, for application pursuant to the provisions of chapter 29C of the General Laws by the water pollution abatement trust for the purposes specified in said chapter 29C."

Wording Inserted

The state treasurer shall transfer \$5,418,963 from revenues credited to the Local Aid Fund in fiscal year 1999 to the Water Pollution Abatement Revolving Fund for the purposes of the commonwealth's match to federal capitalization grants received under Title VI of the federal Clean Waters Act, for application pursuant to the provisions of chapter 29C of the General Laws by the water pollution abatement trust for the purposes specified in said chapter 29C."

Section 44	45,672,0693	118,635,012
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Wording Stricken

"Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer, effective June 30, 1999, to the Capital Improvement and Investment Trust Fund established pursuant to section 19 of chapter 289 of the acts of 1998, as amended by section 36 of this act, the amount of \$164,310,705 from the general fund"

Wording Inserted

"Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer, effective June 30, 1999, to the Capital Improvement and Investment Trust Fund established pursuant to section 19 of chapter 289 of the acts of 1998, as amended by section 36 of

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Item	Reduce by	Reduce to	<i>Wording Stricken</i> this act, the amount of \$118,638,012 from the General Fund”
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Pursuant to Article 56 of the Amendments to the Constitution, Section 139, the Lieutenant Governor-Acting Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.

The remainder of the bill was approved by the Governor August 12, 1999 at five o'clock and thirty minutes, P.M.

Chapter 56. AN ACT AUTHORIZING THE TOWN OF WINTHROP TO USE CERTAIN PARK AND RECREATION LAND FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

The town of Winthrop may use a certain parcel of park and recreation land for school purposes. The parcel of land is shown on the town of Winthrop Assessors Map #43, Lot 3.
Approved August 13, 1999.

Chapter 57. AN ACT AUTHORIZING THE TOWN OF SOUTH HADLEY TO CONVEY CERTAIN RECREATIONAL LAND.

Be it enacted, etc., as follows:

The town of South Hadley, acting by and through its board of selectmen, may sell and convey a certain parcel of land located in said town which was acquired for recreational purposes. The parcel is described as Parcel 2 in a deed from the South Hadley Fire District No. 1 to the town of South Hadley dated December 10, 1959 and recorded in the Hampshire county registry of deeds in book 1318, page 20.
Approved August 13, 1999.

Chapter 58. AN ACT AUTHORIZING THE SWANSEA WATER DISTRICT TO ACQUIRE AND CONVEY CERTAIN PARCELS OF LAND.

Be it enacted, etc., as follows:

SECTION 1. Pursuant to chapter 30B of the General Laws but notwithstanding any other general or special law to the contrary, the Swansea water district, acting by and through its water commissioners, may, subject to the approval of the department of environmental protection, take in fee by eminent domain for the purpose of developing a public water supply a certain parcel of land located in the town of Swansea, owned by the Bristol county water authority, which parcel is bounded and described as follows:-

Beginning at a point in the easterly sideline of Reed Road at the Southwest corner of land of the Montaup Electric Company;

thence running S 11°=25'07" W 106.05' in the easterly sideline of Reed Road to the beginning of a curve;

thence running Southeasterly 55.79' in the sideline of Reed Road along the arc of a curve to the left having a radius of 49.13' to the end of the curve;

thence continuing Southeasterly 1,365.75' in the sideline of Reed Road along the arc of a curve to the right having a radius of 15,250.00' to a corner;

thence running N 46°=19'54" E 650.00' by the remaining land of Bristol County Water Company to a corner;

thence running Northwesterly 1,009.36' by the remaining land of the Bristol County Water Company along the arc of a curve to the left having a radius of 15,900.00' to a corner in the Southerly property line of land of Joyce L. Boivin and Cheryl McCullough;

thence running S 84°=57'31" W 540.20' in the Southerly property line of land of said Boivin and McCullough and land of Michael D. and Suzanne R. Richardson to a corner in the Southerly property line of land of Jeffrey T. Chretien;

thence running S 87°=43'55" W 138.58' by the land of Chretien to a corner and land of the Montaup Electric Company;

thence running S 85°=23'44" W 53.88' by the land of the Montaup Electric Company to the point of beginning.

Said herein described parcel contains 827,651 sq. ft. of area and is subject to an existing power easement to the Montaup Electric Company and a conservation easement described in section 2.

The taking shall be subject to the easements of the Bristol county water authority to pass and repass from Reed road over the above land taken to the authority's remaining land for the purpose of maintaining and repairing a reservoir and an easement to install a water pipe from the reservoir over, on and under the land taken to Reed road.

The term Bristol county water authority shall include the Bristol county water authority, its successors in interest and assigns.

SECTION 2. The taking authorized by this act shall include in perpetuity a conservation restriction and a watershed preservation restriction as described in sections 31 to 33, inclusive, of chapter 184 of the General Laws in the following described land:-

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Beginning at the Northern corner of the above described parcel said corner being in the remaining land of Joyce L. Boivin and Cheryl A. McCullough;

thence running S 84°=57'31" W 35.29' in the Southerly property line of land of said Boivin and McCullough to a corner;

thence running within the above described parcel by the following five courses:

S 26°=44'34" W 100.35'

S 49°=02'43" W 165.62'

S 08°=39'09" W 131.17'

S 03°=44'03" E 154.30'

S 85°=52'33" E 775.11'

to a corner in the remaining land of the Bristol County Water Company;

thence Northwesterly 777.07' by the remaining land of the Bristol County Water Company along the arc of the curve to the left having a radius of 15,900.00' to the point of beginning.

Said herein described easement contains 226,291 sq. ft. of area.

SECTION 3. No uses shall be made of the land subject to the conservation and watershed preservation restrictions described in section 2, and no activity shall be permitted thereon, which would violate in any way, any law, rule, regulation or requirement of the department of environmental protection whose observance is required in order for the Swansea water district to use the premises taken in fee for a public water supply.

SECTION 4. Any person sustaining damages in his property by any taking under the provisions of section 1 of this act or any other action taken pursuant to the authority granted herein may recover such damages from the Swansea water district under the provisions of chapter 79 of the General Laws.

SECTION 5. Pursuant to chapter 30B of the General Laws but notwithstanding any other general or special law to the contrary, the Swansea water district, acting by and through its water commissioners, may convey, upon such terms and conditions as the water commissioners deem appropriate, a certain parcel of land in the town of Swansea, presently under the care, custody and control of the district, to the Bristol county water authority, which parcel of land is described as follows:-

Beginning at a point in the Westerly line of Bushee Road at the Northeasterly corner of land now or formerly of the Warren Bristol Water Works, being the Southeasterly corner of the lot to be described;

thence running Westerly by a wall and by said land of Warren Bristol Water Works, one thousand four hundred sixty (1,460) feet, more or less, to a point for a corner;

thence running Northwesterly by said last named land, one hundred forty-five (145) feet, more or less, to a point for a corner;

thence running Northeasterly by a wall and by land now or formerly of Frank Paulo, one thousand six hundred thirty-five (1,635) feet, more or less, to said Bushee Road;

thence running Southerly in the Westerly line of said Bushee Road one thousand thirty (1,030) feet, more or less, to the point of beginning, containing nineteen and one-half

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(19½) acres of land, more or less. Reference may be made to Town of Swansea Assessors Plan No. 5, Lot 13. Excepted from said conveyance is 6,400 square feet of land, more or less, taken by the town of Swansea for highway purposes. See taking in Bristol county Fall River registry of deeds, Book 1320, Page 171. See also plan Book 68, Page 45. Said Premises are conveyed subject to an easement to New England Power Company as appears of record and recorded with said registry in Book 731, Page 136.

SECTION 6. This act shall take effect upon its passage.

Approved August 13, 1999.

Chapter 59. AN ACT RELATIVE TO A CERTAIN PARCEL OF LAND IN THE TOWN OF BELCHERTOWN.

Be it enacted, etc., as follows:

A certain parcel of forest land owned by the town of Belchertown is hereby placed under the care, custody and control of the board of selectmen to be used for park purposes. The parcel is shown as Parcel B of a Plan of Land prepared by Almer Huntley & Associates, Inc., dated March 11, 1998.

Approved August 13, 1999.

Chapter 60. AN ACT RELATIVE TO THE CHARTER OF THE CITY OF EASTHAMPTON.

Be it enacted, etc., as follows:

SECTION 1. Section 1-1 of the charter of the city of Easthampton, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the word "Town", each time it appears, and inserting in place thereof, in each instance, the following word:- City.

SECTION 2. The first sentence of section 1-3 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 3. The caption of section 1-4 of said charter is hereby amended by striking out the word "TOWN" and inserting in place thereof the following word:- CITY.

SECTION 4. Section 1-5 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 5. Subsection (c) of section 1-7 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

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SECTION 6. Subsection (i) of said section 1-7 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 7. Subsection (j) of said section 1-7 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 8. Subsection (k) of said section 1-7 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 9. Said section 1-7 of said charter is hereby further amended by striking out subsections (l), (m), (n), (o) and (p) and inserting in place thereof the following five subsections:-

(l) City - The word "city" shall mean the city of Easthampton.

(m) City Bulletin Boards - The words "city bulletin boards" shall mean the bulletin board in the city hall on which the city clerk posts official notices of meetings and upon which other official city notices are posted and the bulletin boards at any other locations as may be designated city bulletin boards by the city council.

(n) City Agency - The words "city agency" shall mean any multiple member body, any department, division or office of the city of Easthampton.

(o) City Officer - The words "city officer" when used without further qualification or description shall mean a person having charge of an office or department of the city who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the city.

(p) Voters - The word "voters" shall mean the registered voters of the city of Easthampton.

SECTION 10. Subsection (a) of section 2-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 11. Subsection (b) of said section 2-1 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 12. Subsection (c) of said section 2-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 13. Subsection (a) of section 2-2 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 14. Subsection (b) of said section 2-2 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 15. Subsection (c) of said section 2-2 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 16. Section 2-3 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 17. Subsection (a) of section 2-4 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 17A. Section 2-5 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 18. Subsection (a) of section 2-6 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 19. Said section 2-6 of said charter is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Rules of Procedure - The city council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

(i) Regular meetings of the city council shall be held at a time and place fixed by ordinance.

(ii) Special meetings of the city council shall be held at the call of the council president, or, on the call of any three or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council president shall be judge, such notice shall be delivered at least 48 weekday hours in advance of the time set for such meeting. A copy of the notice to members shall, forthwith, be posted upon the city bulletin boards.

(iii) All sessions of the city council and of every committee or subcommittee thereof, shall at all times be open to the public and to the press, unless another provision is made by law.

(iv) A full, accurate, up-to-date account of the proceedings of the city council shall be kept, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting.

(v) All business which is to come before the city council shall first be assigned to a standing committee for study and a report with its recommendations to the full council.

SECTION 20. Subsection (a) of section 2-7 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 21. The caption of subsection (b) of said section 2-7 of said charter is hereby amended by striking out the word "Town" and inserting in place thereof the following word:- City.

SECTION 22. Said subsection (b) of said section 2-7 of said charter is hereby further amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 23. Subsection (c) of said section 2-7 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 24. Subsection (d) of said section 2-7 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 25. The caption of section 2-8 of said charter is hereby amended by striking out the word "TOWN" and inserting in place thereof the following word:- CITY.

SECTION 26. The caption of subsection (a) of said section 2-8 of said charter is hereby amended by striking out the word "Town" and inserting in place thereof the following word:- City.

SECTION 27. Said subsection (a) of said section 2-8 of said charter is hereby further amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 28. The first paragraph of subsection (b) of said section 2-8 is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 29. The second paragraph of said subsection (b) of said section 2-8 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 30. The third paragraph of said subsection (b) of said section 2-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 31. The fourth paragraph of said subsection (b) of said section 2-8 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 32. The caption of subsection (c) of said section 2-8 of said charter is hereby amended by striking out the word "Town" and inserting in place thereof the following word:- City.

SECTION 33. Said subsection (c) of said section 2-8 of said charter is hereby further amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 34. Subsection (d) of said section 2-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 35. Subsection (e) of said section 2-8 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 36. Subsection (f) of said section 2-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 37. The second paragraph of subsection (a) of section 2-9 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

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SECTION 38. The first paragraph of subsection (b) of said section 2-9 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 39. The second paragraph of said subsection (b) of said section 2-9 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 40. Subsection (c) of said section 2-9 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 41. The first paragraph of section 2-10 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 42. The second paragraph of said section 2-10 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 43. The first paragraph of subsection (a) of section 2-11 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 44. The second paragraph of said subsection (a) of said section 2-11 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 45. The second sentence of subsection (b) of said section 2-11 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 46. The caption of subsection (c) of said section 2-11 of said charter is hereby amended by striking out the word "Town" and inserting in place thereof the following word:- City.

SECTION 47. Said subsection (c) of said section 2-11 of said charter is hereby further amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 48. Subsection (a) of section 3-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 49. Subsection (b) of said section 3-1 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 50. Subsection (c) of said section 3-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 51. The first paragraph of section 3-2 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 52. The second paragraph of said section 3-2 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 53. The third paragraph of said section 3-2 is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 54. The fourth paragraph of said section 3-2 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 55. The fifth paragraph of said section 3-2 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 56. The first paragraph of section 3-3 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 57. Section 3-4 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 58. The caption of section 3-5 of said charter is hereby amended by striking out the word "TOWN" and inserting in place thereof the following word:- CITY.

SECTION 59. The first paragraph of said section 3-5 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 60. The caption of subsection (a) of section 3-6 of said charter is hereby amended by striking out the word "Town" and inserting in place thereof the following word:- City.

SECTION 61. Said subsection (a) of said section 3-6 of said charter is hereby further amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 62. The caption of subsection (b) of said section 3-6 of said charter is hereby amended by striking out the word "Town" and inserting in place thereof the following word:- City.

SECTION 63. Said subsection (b) of said section 3-6 of said charter is hereby further amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 64. Section 3-7 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 65. The first paragraph of subsection (a) of section 3-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

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SECTION 66. The second paragraph of said subsection (a) of said section 3-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 67. Subsection (b) of said section 3-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 68. Subsection (a) of section 3-9 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 69. Subsection (b) of said section 3-9 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 70. Subsection (a) of section 4-1 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 71. Subsection (b) of said section 4-1 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 72. Clause (3) of subsection (c) of said section 4-1 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 73. The last paragraph of said subsection (c) of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 74. Subsection (d) of said section 4-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 75. Subsection (e) of said section 4-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 76. Subsection (f) of said section 4-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 77. Section 4-3 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 78. Section 5-1 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 79. Subsection (b) of section 5-2 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 80. Section 5-3 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 81. Section 5-4 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 82. The introductory paragraph of section 5-5 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 83. Said section 5-5 of said charter is hereby further amended by striking out clauses (a) and (b) and inserting in place thereof the following two clauses:-

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by city agency and position in terms of work programs and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by city agency and the proposed method of financing each such capital expenditure.

SECTION 84. Subsection (a) of section 5-6 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 85. Subsection (b) of said section 5-6 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 86. The caption of subsection (c) of said section 5-6 of said charter is hereby amended by striking out the word "Town" and inserting in place thereof the following word:- City.

SECTION 87. Said subsection (c) of said section 5-6 of said charter is hereby further amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 88. Subsection (a) of section 5-7 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 89. Subsection (b) of said section 5-7 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 90. Subsection (c) of said section 5-7 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 91. The introductory paragraph of section 5-8 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 91A. Section 5-9 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 92. The caption of section 6-1 of said charter is hereby amended by striking out the word "TOWN" and inserting in place thereof the following word:- CITY.

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SECTION 93. The introductory paragraph of said section 6-1 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 94. Subparagraph (a) of the first paragraph of said section 6-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 95. Subparagraph (b) of said first paragraph of said section 6-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 96. The second paragraph of said section 6-1 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 97. The third paragraph of said section 6-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 98. The fourth paragraph of said section 6-1 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 99. Section 6-2 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 100. The first sentence of section 6-3 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 101. Subsection (1) of section 6-4 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 101A. Subsection (3) of said section 6-4 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 102. Section 6-5 of said charter is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Establishment, Scope - There shall be a department of personnel which shall be responsible for all personnel related functions and activities of the city, including, but not limited to, the following:

(1) Plan, administer and direct all phases and components of the city personnel plan, including wage and salary administration, position classification, sick and vacation leave, employee grievance procedure, accident prevention programs, physical examinations, equal opportunity programs, personnel transactions and all record keeping concerning city employees whether regular, part time, temporary, intermittent or otherwise.

(2) Develop new and revised personnel policies and practices and recommend the same to the mayor and city council for implementation, where such action is necessary.

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(3) Review all requests by city agencies for new personnel, or for increased hours for any existing personnel and make recommendations to the mayor and to the city council concerning such requests.

(4) Advise and assist all city agencies and employees in all aspects of public employment including recruitment, evaluation, promotion, transfer, dismissal, wages, hours and other conditions of employment, insurance benefits and any related matters. The department shall assure that all employees receive every benefit to which such employee is entitled and, conversely, shall assure that no employee receives any benefit to which such employee is not entitled.

(5) Determine before any employee shall be hired, reinstated, transferred or promoted by any city agency that:

(a) There is an existing vacant position to be filled.

(b) The salary which is proposed to be paid is within the existing salary schedule for the position.

(c) There is a sufficient sum of money in the available appropriation of the agency to fund the position.

(d) There has been compliance with the civil service law and rules, if applicable and with any collective bargaining agreements which may be applicable.

(6) Development of a career public service program.

(7) Supervise the registration of all persons who are to be employed by the city in any capacity and certification of lists of eligible persons to appointing authorities whenever vacancies occur.

All city officers and other appointing authorities shall cooperate with the personnel department by providing to it, upon request, any and all information relating to personnel matters as may from time to time be made.

SECTION 103. Subsection (b) of said section 6-5 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 104. The caption of section 7-1 of said charter is hereby amended by striking out the word "TOWN" and inserting in place thereof the following word:- CITY.

SECTION 105. Said section 7-1 of said charter is hereby further amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 106. Section 7-3 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 107. Section 7-4 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 108. Section 7-5 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 109. Section 7-6 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 110. Section 7-7 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 111. The second sentence of the first paragraph of subsection (a) of section 7-8 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 112. The second paragraph of said subsection (a) of said section 7-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 113. Subsection (b) of said section 7-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 114. Subsection (c) of said section 7-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 115. Subsection (d) of said section 7-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 116. Subsection (e) of said section 7-8 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 117. Subsection (f) of said section 7-8 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 118. Subsection (a) of section 7-9 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 119. Subsection (b) of said section 7-9 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 120. Section 7-10 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 121. Said section 7-10 of said charter is hereby further amended by striking out the word "town's", and inserting in place thereof the following word:- city's.

SECTION 122. Section 7-11 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 123. Subsection (a) of section 7-13 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 124. Paragraph (3) of subsection (b) of said section 7-13 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 125. The second paragraph of said subsection (b) of said section 7-13 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 126. The fourth paragraph of said subsection (b) of said section 7-13 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 127. Subsection (c) of said section 7-13 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 128. The first paragraph of subsection (g) of said section 7-13 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 129. Section 8-5 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 130. Subsection (a) of section 8-6 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 131. Subsection (b) of said section 8-6 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 132. Subsection (c) of said section 8-6 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 133. Subsection (a) of section 8-8 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 134. Subsection (b) of said section 8-8 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 135. Section 8-11 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 136. The first paragraph of section 8-12 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 137. The first paragraph of section 8-13 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

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SECTION 138. The second paragraph of said section 8-13 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 139. The third paragraph of said section 8-13 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 139A. The fourth paragraph of said section 8-13 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 140. The first paragraph of section 8-15 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 141. The second paragraph of said section 8-15 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 142. Subparagraph (b) of the third paragraph of said section 8-15 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 143. Subparagraph (c) of said third paragraph of said section 8-15 of said charter is hereby amended by striking out the word "town" and inserting in place thereof the following word:- city.

SECTION 144. Subsection (h) of section 9-6 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

SECTION 145. Subsection (i) of said section 9-6 of said charter is hereby amended by striking out the word "town", each time it appears, and inserting in place thereof, in each instance, the following word:- city.

Approved August 18, 1999.

Chapter 61. AN ACT RELATIVE TO NONGROUP AND SMALL GROUP HEALTH INSURANCE PRODUCTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for affordable health insurance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of subsection (b) of section 3 of chapter 176J of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking

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out the penultimate and last sentences.

SECTION 2. Said subsection (b) of said section 3 of said chapter 176J, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following two paragraphs:-

For every health benefit plan issued or renewed on or after December 1, 1999, the group base premium rates charged by a carrier to each group business from among 26 to no more than 50 eligible employees during a rating period shall not exceed two times the group base premium rate charged to the group business from among 26 to no more than 50 eligible employees with the lowest group base premium rate. No phase-out adjustments shall be permitted after November 30, 1999.

Effective December 1, 1999, group base premium rates charged by a carrier to an eligible small business shall not exceed two times the group base premium rate which could be charged by that carrier to an eligible small business under this chapter with the lowest group premium rate basis type within that class of business.

SECTION 3. Subsection (a) of section 4 of chapter 176M of the General Laws, as so appearing, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) A carrier may establish a premium rate adjustment based upon the age of an insured individual. Such an adjustment shall be known as the age rate adjustment. A carrier may establish an age rate adjustment, the value of which may range from sixty-seven one-hundredths to one hundred and thirty-three one-hundredths. If a carrier chooses to establish age rate adjustments, the premium charged to every individual enrolled in a guaranteed issue health plan shall be subject to the applicable age rate adjustment.

SECTION 4. Notwithstanding any special or general law to the contrary, each carrier that submitted a nongroup rate filing to the commissioner pursuant to paragraph (1) of subsection (a) of section 5 of chapter 176M of the General Laws may amend and resubmit its nongroup rate filing within 15 days after the effective date of this act. The commissioner shall review said amendments in accordance with the time frames, but not the dates, established in said section 5 of said chapter 176M. The commissioner may postpone the open enrollment period established in subsection (b) of section 3 of said chapter 176M, but said open enrollment period shall be 61 days and shall commence no later than September 15, 1999. The effective date of coverage specified in said subsection (b) of said section 3 of said chapter 176M shall not be changed. Nothing in said section 5 of said chapter 176M shall be construed to limit the commissioner's authority to establish an expedited review schedule for said amendments. The time frames set forth in this act shall remain applicable for the limited purpose of amended filings pursuant to this act.

Approved August 18, 1999.

**Chapter 62. AN ACT RELATIVE TO THE EXPENDITURE OF CERTAIN FUNDS
BY THE DIVISION OF MEDICAL ASSISTANCE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend an amount not to exceed \$40,000 for cost containment purposes; provided, however, that the purpose and amount of the expenditures have been transmitted to the house and senate committees on ways and means; and provided, further, that the expenditures shall be made pursuant to funds authorized by section 1 of chapter 43 of the acts of 1999, and shall be charged to item 4000-0300 upon the enactment of the general appropriation act for fiscal year 2000.

SECTION 2. Section 1 is hereby repealed.

SECTION 3. Section 2 of this act shall take effect on October 31, 1999. The remainder of this act shall take effect as of August 19, 1999.

Emergency Letter: 8/20/99 @ 9:19 A.M.

Approved August 19, 1999.

**Chapter 63. AN ACT RELATIVE TO RESIDENCY REQUIREMENTS FOR
EMPLOYEES OF THE CITY OF LAWRENCE.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 425 of the acts of 1983 is hereby amended by striking out subsection 10.8, as appearing in section 1 of chapter 189 of the acts of 1989, and inserting in place thereof the following subsection:-

10.8 City Residence. Every person who is appointed to a city office, or who is employed by the city in any capacity, not a resident of the city at the time of appointment or employment, shall within two years following such appointment or employment, establish such residence as principal domicile; or such appointment or employment shall be forfeited. No enforcement proceeding under this subsection shall be initiated against such employee while the mayor who made such appointment continues to serve in office. Employees subject to tenure under the jurisdiction of the school committee shall not be required to establish a principal domicile until one year after they have attained tenure except as otherwise provided by General Laws. The requirement of this subsection shall not apply to any employee or appointee who the city council determines, upon application by such person, would suffer a substantial hardship from enforcement of the provisions of this subsection. This subsection shall not apply to any person who was appointed by or in the employ of the city before January 2, 1986 and who has continuously served in such appointment or employment thereafter.

SECTION 2. This act shall take effect upon its passage.

Approved August 26, 1999.

Chapter 64. AN ACT RELATIVE TO SAVINGS BANK DEPOSIT INSURANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the establishment of risk based classifications for certain banks, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 23 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 99, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 2. Section 7 of chapter 121A of the General Laws, as so appearing, is hereby amended by striking out, in lines 51 and 52, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 3. Section 2 of chapter 167 of the General Laws, as so appearing, is hereby amended by striking out, in line 112, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 4. Section 24 of said chapter 167, as so appearing, is hereby amended by striking out, in lines 34 and 35, and in lines 41 and 42, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof, in each instance, the following words:- Depositors Insurance Fund.

SECTION 5. Section 40 of said chapter 167, as so appearing, is hereby amended by striking out, in lines 28 and 29, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 6. Section 6 of chapter 167F of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words "of the Mutual Savings Central Fund, Inc.,".

SECTION 7. Section 5 of chapter 168 of the General Laws, as so appearing, is hereby amended by striking out, in lines 46 and 47, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 8. Section 27A of said chapter 168, as so appearing, is hereby amended by striking out, in line 7, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 9. Section 34A of said chapter 168, as so appearing, is hereby amended by striking out, in lines 98 and 99 and in line 102, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof, in each instance, the following words:- Depositors Insurance Fund.

SECTION 10. Section 34B of said chapter 168, as so appearing, is hereby amended by striking out, in line 173, the words "Mutual Savings Central" and inserting in place thereof the following words:- Depositors Insurance.

SECTION 11. Said section 34B of said chapter 168, as so appearing, is hereby further amended by striking out, in line 181, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 12. Said section 34B of said chapter 168, as so appearing, is hereby further amended by striking out, in lines 185 and 186, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 13. Section 34D of said chapter 168, as so appearing, is hereby amended by striking out, in lines 76 and 77, the words "Mutual Savings Central" and inserting in place thereof the following words:- Depositors Insurance.

SECTION 14. Said section 34D of said chapter 168, as so appearing, is hereby further amended by striking out, in lines 84 and 85, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 15. Said section 34D of said chapter 168, as so appearing, is hereby further amended by striking out, in line 89, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 16. Section 36 of said chapter 168, as so appearing, is hereby amended by striking out, in lines 29, 34, 38 and 39, 39 and 40, 41, 56 and 65, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof, in each instance, the following words:- Depositors Insurance Fund.

SECTION 17. Section 37 of said chapter 168, as so appearing, is hereby amended by striking out, in lines 36 and 37, 43, 47, 48 and 50, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof, in each instance, the following words:- Depositors Insurance Fund.

SECTION 18. Section 38 of said chapter 168, as so appearing, is hereby amended by striking out, in lines 26 and 27 and in line 61, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof, in each instance, the following words:- Depositors Insurance Fund.

SECTION 19. Section 39 of said chapter 168, as so appearing, is hereby amended by striking out, in line 20, the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 20. The first sentence of the first paragraph of section 1 of chapter 44 of the acts of 1932, as appearing in section 2 of chapter 324 of the acts of 1956, is hereby amended by striking out the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 21. Section 2 of said chapter 44, as most recently amended by chapter 154 of the acts of 1993, is hereby further amended by striking out the third sentence and inserting in place thereof the following two sentences:- At all meetings of the corporation and of the election districts, each member bank shall be represented by such person as its board of trustees, board of directors, board of investment or executive committee shall designate. At each such meeting, each member bank shall have one vote for each \$10,000,000 or

fraction thereof of excess deposits insured, as shown by its most recent report to the commissioner or to the corporation, whichever is later, to a maximum number of 25 votes.

SECTION 22. Section 2A of said chapter 44, as inserted by said chapter 154, is hereby amended by striking out the first three sentences and inserting in place thereof the following four sentences:- Unless otherwise provided in the by-laws pursuant to section 2, the board of directors shall consist of 16 members, 12 of whom shall be elected from among the operating officers of the member banks, and four of whom shall be public directors elected in accordance with section 3. For the purpose of the election of directors who shall serve as representatives of the member banks and unless otherwise provided in the by-laws, each of the counties of Essex, Hampden, Middlesex, Suffolk and Worcester shall constitute an individual election district, the counties of Barnstable, Bristol, Dukes County, Nantucket, Norfolk and Plymouth, as a group, shall constitute an election district, and the counties of Berkshire, Franklin and Hampshire, as a group, shall constitute an election district. Unless otherwise provided in the by-laws, each election district shall elect one director from among the operating officers of the member banks whose main offices are located therein, and all member banks, as a group, shall elect five at-large directors from a list of operating officers nominated by such banks and filed with the board of directors not later than 60 days prior to the annual meeting of the corporation; provided, however, that no more than two directors shall be elected from any one election district, and no more than one director shall be elected from any one member bank or from any two or more banks under common control. For the purposes of this section, the term "operating officer" shall mean a person holding the office of chairman, president or chief executive officer of a member bank.

SECTION 23. Section 4 of said chapter 44 is hereby amended by striking out the second sentence, inserted by section 8 of chapter 405 of the acts of 1985, and inserting in place thereof the following sentence:- No part of the income, surplus, undivided profits or other reserves held by the Depositors Insurance Fund in the Liquidity Fund may be subject to withdrawal, except when a member bank is in liquidation.

SECTION 24. The first sentence of section 1 of chapter 43 of the acts of 1934 is hereby amended by striking out the words "Mutual Savings Central Fund, Inc., established by chapter forty-four of the acts of nineteen hundred and thirty-two" and inserting in place thereof the following words:- Depositors Insurance Fund, established by section 1 of chapter 44 of the acts of 1932.

SECTION 25. Section 10 of said chapter 43, as most recently amended by section 16 of chapter 405 of the acts of 1985, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following sentence:- When voting for the purposes provided in this section, each member bank shall have one vote for each \$10,000,000 or fraction thereof of excess deposits, as shown by its most recent report to the commissioner or the corporation, whichever is later, to a maximum number of 25 votes.

SECTION 26. The first sentence of section 12 of said chapter 43, as appearing in section 17 of said chapter 405, is hereby amended by striking out the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

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SECTION 27. The first sentence of section 13 of said chapter 43, as appearing in section 18 of said chapter 405, is hereby amended by striking out the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 28. Paragraph (a) of section 15 of said chapter 43, as appearing in section 20 of said chapter 405, is hereby amended by striking out the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 29. Section 17 of said chapter 43, as appearing in section 22 of said chapter 405, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) On October 31 of each year, each member bank shall pay to the Deposit Insurance Fund an annual excess deposit insurance assessment computed upon such member bank's excess deposits as of the preceding September 30, or such other date as shall be fixed by directors and approved by the commissioner, as shown by a statement filed with the corporation and attested to by an authorized officer of such bank. The annual excess deposit insurance assessment for any year may be established as a single, uniform rate for all member banks or as a schedule of differing rates to be assessed on the basis of risk classifications established by the corporation and assigned to member banks. Any such risk-based classifications, assessments and assignments shall become effective upon the approval thereof by the commissioner. The criteria for such classifications of risk may include, but need not be limited to, the following: the bank's so-called CAMELS rating; foreign country activity; types of deposit accounts held; amount of excess deposits held; level of capital; balance sheet composition; diversification and quality of loan and investment portfolios; level, severity and trend of classified assets; level, trend and stability of earnings; ability to meet liquidity needs; compliance with law, regulations, and regulatory and supervisory actions and classifications; and such other factors as, in the opinion of the directors and the commissioner, are deemed necessary, including a classification of greater than normal loss exposure risk.

Whenever the corporation, by a two-thirds vote of the full membership of its board of directors, determines that a member bank constitutes a greater than normal loss exposure risk to the Deposit Insurance Fund, it shall inform the commissioner of such determination and the basis therefor. If the commissioner concurs in such determination, the directors may require such member bank to do any one or more of the following: (i) pay an additional, non-refundable excess deposit insurance risk assessment; (ii) pay a capital contribution which shall be retained as additional capital; (iii) provide collateral acceptable to the directors to minimize any loss which might be incurred; (iv) secure reinsurance, naming the Deposit Insurance Fund as loss payee, in such form and amount and issued by such reinsurers as the directors shall deem acceptable or, in lieu thereof, to reimburse the Deposit Insurance Fund for the cost of its acquisition of such reinsurance; (v) reduce the amount of excess deposits held by such member bank in such amount and in such time period as the directors

shall prescribe; or (vi) take such other actions as the directors deem appropriate. The amount, terms and conditions of any such required actions shall become effective when approved by the commissioner.

Whenever a member bank has been so determined to constitute a greater than normal loss exposure risk to the Deposit Insurance Fund, the directors shall notify such bank in writing thereof, including an explanation of the basis for said determination, and advise said bank of any of the requirements imposed pursuant to the preceding paragraph. In any such event, said member bank shall have the option (a) of complying therewith within 60 days following such written notification, or (b) notifying the corporation of its intention to withdraw from membership therein. Upon such notification of intent to withdraw, such bank shall convert to a state-chartered trust company charter in the manner hereinafter prescribed. Upon said conversion, such bank shall be referred to as a former member bank, and its membership and excess deposit insurance coverage shall cease on a date set by the directors, with the approval of the commissioner, subject to the following conditions: (1) each insured excess deposit in such bank on the date of cessation of insurance coverage, other than a term deposit, shall continue to be insured for one year after said date; and (2) each term deposit in said bank on said date shall continue to be insured until maturity; provided, however, that such bank shall be liable to the corporation for the cost of such coverage during said time periods at the assessed rate approved by the commissioner; and provided, further, that with the approval of the commissioner, the corporation may make arrangements with the holders of term deposits for an early withdrawal of such term deposits without penalty; and (3) said bank shall give written notice to its depositors of the cessation of its excess insurance coverage in such manner as the commissioner shall prescribe.

Upon any such withdrawal from membership, a former member bank shall not retain, succeed to or acquire any rights with respect to the assets of the corporation, except as otherwise provided herein. All amounts paid by the withdrawing bank pursuant to section 1 and paragraph (a) and all amounts paid by such bank pursuant to section 4 of chapter 44 of the acts of 1932 shall be retained by the corporation as a charge for the insurance of such bank's deposits and for the availability of liquidity assistance while it was a member bank; provided, however, that such bank shall participate in any distribution made under the provisions of section 10, and may, with the approval of the commissioner, receive dividends on such retained assessments and deposits declared pursuant to section 3 and to section 4 of said chapter 44.

The provisions of paragraph (a) shall apply to a federal member bank, as defined in paragraph (e) of section 17; provided, however, that nothing contained in said paragraph (a) shall be construed so as to affect or limit the authority of the commissioner or the directors pursuant to sections 19 and 20.

The establishment of said risk classifications, the assignment thereof to member banks and the notice of any additional actions to be taken, as provided for herein, shall be completed and effective not later than 90 days after the effective date of this act.

SECTION 30. Said chapter 43 is hereby further amended by inserting after section 17 the following section:-

Section 17A. Notwithstanding any general or special law to the contrary, a member bank, which has notified the corporation of its intention to withdraw pursuant to section 17, if in stock form, including a bank that is a subsidiary banking institution of a mutual holding company established pursuant to chapter 167H of the General Laws, shall, by operation of law, become a trust company subject to the provisions of chapter 172 of the General Laws; provided, however, that if such bank is in mutual form, it shall immediately reorganize into a mutual holding company pursuant to said chapter 167H and the subsidiary banking institution of such mutual holding company shall, by operation of law, become a trust company subject to the provisions of said chapter 172. No such conversion shall become effective until it has been approved, in writing, by the commissioner.

Upon the conversion of a withdrawing bank into a trust company, the corporate existence of such bank shall not terminate, but such trust company shall be deemed to be a continuation of the entity of the bank so converted and all property of said bank including its right, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing, or pertaining to it, or which would inure to it, shall immediately, by act of law and without any conveyance or transfer and without any further act or deed, remain and be vested in and continue and be the property of such trust company into which said bank has converted itself, and such trust company shall have, hold and enjoy the same in its own right as fully and to the extent as the same was held, possessed and enjoyed by the converting bank, and such trust company, as of the effective date of said conversion, shall continue to have and succeed to all the rights, obligations and relations of said converting bank. All pending actions and other judicial proceedings to which said converting bank is a party shall not be deemed to have been abated or to have been discontinued by reasons of such conversion, but may be prosecuted to final judgment, order or decree in the same manner as if such conversion into such trust company had not been made, and such trust company resulting from such conversion may continue such action in its corporate name as a trust company, and any judgment, order or decree may be rendered for or against it which might have been rendered for or against such converting bank theretofore involved in such judicial proceedings.

After compliance with the foregoing requirements, the succeeding corporation shall thereafter be entitled to exercise all of the rights and privileges, shall be subject to all of the duties and obligations of a trust company, and shall conduct its business subject to the provisions of chapter 172 of the General Laws and of other applicable laws; provided, however, that, with the approval of the commissioner, the succeeding corporation shall have reasonable time after the effective date of the conversion within which to comply with any particular provisions of such laws not hereinbefore specifically provided for and which it shall be unable to comply with on or before said date.

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SECTION 31. Section 19 of said chapter 43, added by section 22A of chapter 405 of the acts of 1985, is hereby amended by striking out paragraph (g) and inserting in place thereof the following paragraph:-

(g) Such bank shall pay to the Deposit Insurance Fund excess deposit insurance assessments in the manner prescribed in paragraph (a) of section 17.

SECTION 32. Section 21 of said chapter 43 is hereby repealed.

SECTION 33. The first sentence of section 1 of chapter 283 of the acts of 1945, as amended by chapter 210 of the acts of 1968, is hereby further amended by striking out the words "Mutual Savings Central Fund, Inc.", each time they appear, and inserting in place thereof, in each instance, the following words:- Depositors Insurance Fund.

SECTION 34. The fourth sentence of the first paragraph of section 2 of said chapter 283 is hereby amended by striking out the words "Mutual Savings Central Fund, Inc.", each time they appear, and inserting in place thereof, in each instance, the following words:- Depositors Insurance Fund.

SECTION 35. The sixth sentence of the first paragraph of said section 2 of said chapter 283 is hereby amended by striking out the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 36. Paragraph (c) of the first paragraph of section 3 of said chapter 283 is hereby amended by striking out the words "Mutual Savings Central Fund, Inc." and inserting in place thereof the following words:- Depositors Insurance Fund.

SECTION 37. Notwithstanding the provisions of any other general or special law, rule or regulation to the contrary, the corporation may compromise or otherwise settle any claims relating to rights to receive dividends from or to participate in distributions to be made by the corporation established by section 1 of chapter 44 of the acts of 1932, including without limitation rights with respect to distributions to be made pursuant to section 10 of chapter 43 of the acts of 1934, that a bank, which withdraws pursuant to section 29 of this act and such bank would have been eligible to withdraw from membership in said corporation if the classifications provided for in this act had been in effect on June 30, 1999, would otherwise hold; provided, however, that any such compromise or settlement entered into shall extinguish all rights of any type held by such bank in said corporation, including the Liquidity Fund and the Deposit Insurance Fund thereof; and provided, further, that the terms of any such compromise or settlement, including the amount and timing of any payments to be made pursuant thereto, shall be subject to the approval of the commissioner. The authority herein granted shall expire 60 days after the effective date of the establishment of said risk based classifications, the assignment thereof to member banks and the notice of additional assessments to member banks assigned a classification of greater than normal loss exposure risk pursuant to section 29 of this act; provided, however, that any such compromise or settlement with any bank, which has provided said notification of withdrawal at any time during said 60 day period, may be consummated at any time prior or subsequent to the termination of said period.

Approved August 26, 1999.

Chapter 65 AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2000, PRIOR TO FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID FISCAL YEAR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the amount of \$3,000,000,000 is hereby appropriated for the fiscal year ending June 30, 2000, to meet necessary expenditures prior to the enactment into law of the general appropriation act for said fiscal year, for the maintenance and operations of the several departments, boards, commissions, and institutions, including federal grant and Intragovernmental Service Fund expenditures, for local aid payments and lottery distributions, for other necessary services, and for meeting certain requirements of law; provided, that said amount shall be in addition to the amounts made available for said purposes in section 1 of chapter 25 of the acts of 1999 and section 1 of chapter 43 of the acts of 1999; provided further, that the authorization contained herein shall cease to be operative as of the effective date of said general appropriation act, and all actions taken under this section shall apply against said general appropriation act; and provided further, that all expenditures made under this authorization shall be consistent with appropriations made in said general appropriation act.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on August 31, 1999, but which are necessary to fund obligations during September 1999, are hereby re-authorized through September 30, 1999; provided, that the re-authorizations contained herein shall terminate upon enactment of capital account extension legislation.

SECTION 3. The state treasurer shall make advance payments for some or all of periodic local aid reimbursement or assistance programs to any city, town or regional school district that demonstrates an emergency cash shortfall as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by said secretary. Notwithstanding the foregoing, the state treasurer shall make all first quarterly local aid payments, so-called, to cities, towns, regional school districts and counties maintaining an agricultural school, including, but not limited to, those payments made pursuant to the provisions of sections 3, 6 and 7 of chapter 70, clause (c) of section 35 of chapter 10 and section 31 of chapter 81 of the General Laws.

SECTION 4. The provisions of sections 1 and 3 shall take effect as of July 1, 1999. The provisions of section 2 shall take effect as of June 30, 1999.

Approved August 26, 1999.

Chapter 66. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate forthwith the issuance of bonds and notes to carry out the purposes of certain acts passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section 2C of chapter 53 of the acts of 1999 shall be issued for a term not to exceed 20 years; provided, however, that all such bonds shall be payable by June 30, 2024, as recommended by the governor in a message to the general court dated August 12, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 2. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section 2D of chapter 53 of the acts of 1999 shall be issued, and may be renewed one or more times, for terms not exceeding one year; and the final maturities of such notes, whether original or renewal, shall be not later than June 30, 2004, as recommended by the governor in a message to the general court dated August 12, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 3. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section 3 of chapter 55 of the acts of 1999 shall be issued for a term not to exceed 20 years; provided, however, that all such bonds shall be payable by June 30, 2024, as recommended by the governor in a message to the general court dated August 12, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 4. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section 4 of chapter 55 of the acts of 1999 shall be issued for a term not to exceed 20 years; provided, however, that all such bonds shall be payable by June 30, 2024, as recommended by the governor in a message to the general court dated August 12, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 5. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section 5 of chapter 55 of the acts of 1999 shall be issued, and may be renewed one or more times, for terms not exceeding one year; and the final maturities of such notes, whether original or renewal, shall be not later than June 30, 2004, as recommended by the governor in a message to the general court dated August 12, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved August 26, 1999.

Chapter 67. AN ACT AUTHORIZING THE TOWN OF PALMER TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority in the town of Palmer may issue a license for the sale of wines and malt beverages to be drunk on the premises under section 12 of said chapter 138 Ronald Domey. The license shall be subject to all the provisions of said chapter 138, except said section 17 and the licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location for a period of not less than one year. The issuance of the license shall reduce by one any increase in licenses issued under said section 17.

SECTION 2. This act shall take effect upon its passage.

Approved September 2, 1999.

Chapter 68. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 1999 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith supplemental appropriations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 1999 and for certain other activities and projects, the sums set forth in section 2 are hereby appropriated from the general fund unless specifically designated otherwise herein or in said appropriation acts, for the several purposes and subject to the conditions specified herein or in said appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 1999, provided that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

SECTION 2.

JUDICIARY.

Committee for Public Counsel Services.

0321-1520 \$2,518,854

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Group Insurance Commission.

1108-5400 \$424,238

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<i>Reserves.</i>	
1599-9715	\$750,000
<i>Information Technology Division.</i>	
1790-0107	\$3,200,000
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.	
<i>Metropolitan District Commission.</i>	
2444-9005	\$300,000
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.	
<i>Department of Social Services.</i>	
4800-0041	\$3,127,699
EXECUTIVE OFFICE OF PUBLIC SAFETY.	
<i>Department of State Police.</i>	
8100-0007	\$1,468,660

LEGISLATURE.
Joint Legislature.

9744-1000	\$1,700,000
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SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth herein are hereby appropriated from the general fund unless specifically designated otherwise herein, for the several purposes and subject to the conditions specified herein, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 1999, provided, that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

JUDICIARY.

Committee for Public Council Services.

0321-1525 For compensation of private counsel assigned to criminal cases in prior fiscal years in item 0321-1510	\$282,227
0321-1526 For compensation of private counsel assigned to family law and mental health cases in prior fiscal years in item 0321-1512	\$156,749
0321-1527 For fees and court costs incurred on behalf of indigent persons in prior fiscal years in item 0321-1520	\$242,170

SECRETARY OF STATE.

0521-0006 For a program to maximize accuracy and completeness in the enumeration of the population of the commonwealth in the federal decennial census; provided, that no funds shall be expended from this item until the secretary submits a plan	
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delineating the performance-based goals for such program
and an itemized list of planned expenditures from this item
to the house and senate committees on ways and means \$900,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-3432 For a reserve to meet the cost of fiscal year 1999 salary
adjustments necessary to provide equal salary adjustments
to employees employed in "classified" positions which
would otherwise be covered by collective bargaining
agreements and to meet the cost of performance-based merit
increases for non-unit managers at the board of higher
education; provided, that the secretary of administration and
finance may transfer from the sum appropriated herein to
other items of appropriations and allocations thereof for the
fiscal year 2000 such amounts as are necessary to meet the
cost of said adjustments where the amounts otherwise
available are insufficient for that purpose, in accordance
with a transfer plan which shall be filed with the house and
senate committees on ways and means; and provided
further, that notwithstanding the provisions of any general
or special law to the contrary, the comptroller shall charge
to the Collective Bargaining Reserve Fund expenditures
from the accounts which receive transfers from this item in
amounts equal to the amounts of said transfers. \$63,844

Collective Bargaining Reserve Fund 100.0%

1599-3434 For a reserve to meet the cost of fiscal 1999 salary adjustments
necessary to provide equal salary adjustments to employees
employed in "classified" positions which would otherwise
be covered by collective bargaining agreements and to meet
the cost of performance-based merit increases for non-unit
managers at the University of Massachusetts; provided, that
the secretary of administration and finance may transfer
from the sum appropriated herein to other items of
appropriations and allocations thereof for the fiscal year
2000 such amounts as are necessary to meet the cost of said
adjustments where the amounts otherwise available are
insufficient for that purpose, in accordance with a transfer
plan which shall be filed with the house and senate
committees on ways and means; and provided further, that
notwithstanding the provisions of any general or special law

	to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$2,753,598
	Collective Bargaining Reserve Fund	100.0%
1599-3436 For	a reserve to meet the cost of fiscal year 1999 salary adjustments necessary to provide equal salary adjustments to employees employed in "classified" positions which would otherwise be covered by collective bargaining agreements and to meet the cost of performance-based merit increases for non-unit managers at the community colleges; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriations and allocations thereof for the fiscal year 2000 such amounts as are necessary to meet the cost of said adjustments where the amounts otherwise available are insufficient for that purpose, in accordance with a transfer plan which shall be filed with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$1,400,468
	Collective Bargaining Reserve Fund	100.0%
1599-3438 For	a reserve to meet the cost of fiscal year 1999 salary adjustments necessary to provide equal salary adjustments to employees employed in "classified" positions which would otherwise be covered by collective bargaining agreements and to meet the cost of performance-based merit increases for non-unit managers at the state colleges; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriations and allocations thereof for the fiscal year 2000 such amounts as are necessary to meet the cost of said adjustments where the amounts otherwise available are insufficient for that purpose, in accordance with a transfer plan which shall be filed with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the	

	contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$374,130
	Collective Bargaining Reserve Fund	100.0%
1599-3928 For	a reserve to meet the fiscal year 1999 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the Massachusetts Teachers Association/Association of Professional Administrators; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$1,253,000
	Collective Bargaining Reserve Fund	100.0%
1599-3929 For	a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the Massachusetts Teachers Association/ Association of Professional Administrators; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$2,128,000

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	Collective Bargaining Reserve Fund	100.0%	
1599-3930 For	a reserve to meet the commonwealth's obligations for fiscal years 2000 and 2001 pursuant to the provisions of section C of article 13 of the collective bargaining agreement between the board of higher education and the Massachusetts Teachers Association/Association of Professional Administrators; provided, that the secretary of administration and finance may allocate during fiscal year 2000 and 2001 from the sum appropriated herein such amounts as are necessary to meet the costs of said obligations; and provided further, that this appropriation shall expire on June 30, 2001		\$579,000
1599-3931 For	a reserve to meet the fiscal year 1999 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the Massachusetts State College Association/Massachusetts Teachers Association; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers		\$2,317,000
	Collective Bargaining Reserve Fund	100.0%	
1599-3932 For	a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the Massachusetts State College Association/Massachusetts Teachers Association; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be		

	filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$2,317,000
	Collective Bargaining Reserve Fund 100.0%	
1599-3933 For	a reserve to meet the fiscal year 1999 cost of salary adjustments authorized by the collective bargaining agreement between the University of Massachusetts and Local 285 of the Service Employees International Union, AFL-CIO/CLC; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as are necessary to meet the cost of said adjustments, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$324,000
	Collective Bargaining Reserve Fund 100.0%	
1599-3934 For	a reserve to meet the fiscal year 2000 cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and Local 285 of the Service Employees International Union, AFL-CIO/CLC; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts	

	which receive transfers from this item in amounts equal to the amounts of said transfers	\$776,000
	Collective Bargaining Reserve Fund	100.0%
1599-3971 For	a reserve to fund the preconstruction costs of the Boston Convention and Exhibition Center incurred by the Massachusetts Convention Center Authority	\$18,000,000
	Boston Convention and Exhibition Center Fund .	100.0%
1599-4020 For	a reserve to meet the fiscal year 1999 costs of salary adjustments and other economic benefits for employees of the trial court, supreme judicial court and the appeals court who are covered by and which have been authorized by the provisions of section 29.01 of article 29 of the collective bargaining agreement between the trial court of the commonwealth and the Office and Professional Employees International Union, Local 6, AFL-CIO, professional and clerical units; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as may be necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committee on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$411,303
	Collective Bargaining Reserve Fund	100.0%
1599-4021 For	a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits for employees of the trial court, supreme judicial court and the appeals court who are covered by and which have been authorized by the provisions of section 29.01 of article 29 of the collective bargaining agreement between the trial court and the Office and Professional Employees International Union, Local 6, AFL-CIO, professional and clerical units; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as	

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may be necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers\$1,233,923
Collective Bargaining Reserve Fund 100.0%

1599-4022 For a reserve to meet the fiscal year 1999 costs of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees of the trial court, supreme judicial court and the appeals court who are employed in "confidential" positions who would otherwise be covered by collective bargaining agreements in effect for fiscal year 1999 and for the costs of salary adjustments and other economic benefits necessary to provide equal salary adjustments and economic benefits to employees who are not otherwise classified in any such collective bargaining unit; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as may be necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers \$105,997
Collective Bargaining Reserve Fund 100.0%

1599-4023 For a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees of the trial court, supreme judicial court, and the

appeals court who are employed in "confidential" positions who would otherwise be covered by collective bargaining agreements in effect for fiscal year 2000 and for the costs of salary adjustments and other economic benefits necessary to provide equal salary adjustments and economic benefits to employees who are not otherwise classified in any such collective bargaining unit; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as may be necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers		\$318,946
Collective Bargaining Reserve Fund	100.0%	
1599-4024 For a reserve to meet the fiscal years 1998 and 1999 costs of salary and benefit adjustments and other employee economic benefits authorized for those employees of the trial court who are covered by the collective bargaining agreements between the trial court of the commonwealth and the Suffolk Superior Court Officers Association; provided, however, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as may be necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers		\$228,716
Collective Bargaining Reserve Fund	100.0%	

1599-4025	For a reserve to meet the fiscal years 1998 and 1999 costs of salary and benefit adjustments and other employee economic benefits authorized for those employees of the trial court who are covered by the collective bargaining agreements between the trial court of the commonwealth and the Middlesex Superior Court Officers Association; provided, however, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000, such amounts as may be necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers	\$208,305
	Collective Bargaining Reserve Fund	100.0%
1599-4026	For a reserve to meet the fiscal years 1998 and 1999 costs of salary and benefit adjustments and other employee economic benefits authorized for those employees of the supreme judicial court, appeals court and the trial court who are covered by the collective bargaining agreements between the trial court of the commonwealth and the Service Employees International Union, Local 254; provided, however, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as may be necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers	\$504,346
	Collective Bargaining Reserve Fund	100.0%

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1599-4027 For	a reserve to meet the fiscal year 2000 costs of salary and benefit adjustments and other employee economic benefits authorized for those employees of the supreme judicial court, the appeals court and the trial court who are covered by the collective bargaining agreements between the trial court of the commonwealth and the Suffolk Superior Court Officers; provided, however, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as may be necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers	\$350,085
	Collective Bargaining Reserve Fund	100.0%
1599-4028 For	a reserve to meet the fiscal year 2000 costs of salary and benefit adjustments and other employee economic benefits authorized for those employees of the trial court who are covered by the collective bargaining agreements between the trial court of the commonwealth and the Middlesex Superior Court Officers Association; provided, however, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as may be necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers	\$335,560
	Collective Bargaining Reserve Fund	100.0%

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1599-4029	For a reserve to meet the fiscal year 2000 costs of salary and benefit adjustments and other employee economic benefits authorized for those employees of the supreme judicial court, the appeals court and the trial court who are covered by the collective bargaining agreements between the trial court of the commonwealth and the Service Employees International Union, Local 254; provided, however, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as may be necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided, further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers	\$1,763,744
	Collective Bargaining Reserve Fund	100.0%
1599-4030	For a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO (Units 8, and 10), and to meet the costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said collective bargaining agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments and benefits for such "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as may be necessary to meet the costs of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance	

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	with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$10,400,000
	Collective Bargaining Reserve Fund	100.0%
1599-4031	For a one-time reserve to subsidize activities and programs operated by the Children's Trust Fund, so-called; provided, that not more than \$695,459 shall be expended from this item for the community-based family resource program, so-called; provided further, that no funds shall be expended from this item unless federal funding received for said purposes in fiscal year 2000 is less than the amount received for said purposes in fiscal year 1999; provided further, that the Children's Trust Fund shall receive the difference between \$695,459 and the amount of said funding to be awarded in fiscal year 2000; and provided further, that the Children's Trust Fund shall provide written notice within ten days of receipt of federal funding to the house and senate committees on ways and means detailing the amount of said award	\$695,459
1599-9716	For a reserve for certain expenses associated with the abolition of Essex county	\$1,125,000
	<i>Division of Human Resources.</i>	
1750-0117	For certain workers' compensation settlements and medical expenses incurred in fiscal year 1998	\$242,223
	EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.	
	<i>Department of Environmental Protection.</i>	
2250-2001	For the administration of the state revolving fund, so-called	\$2,100,000
	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.	
	<i>Department of Social Services.</i>	
4800-0049	For payment of prior years' expenses for the group care program	\$1,638,633
	DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.	
7004-2028	For the recapitalization of the Community Development Finance Corporation	\$1,000,000
	DEPARTMENT OF ECONOMIC DEVELOPMENT.	
7007-0920	For a grant for the Sail Boston 2000 project, so-called, to be administered through the office of travel and tourism in consultation with the department of economic development	\$1,500,000
	Massachusetts Tourism Fund	100.0%

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Criminal History Systems Board.

8000-0134 For costs associated with firearms' registration renewals pursuant to the provisions of chapter 180 of the acts of 1998 \$650,000

Department of State Police.

8100-0030 For the costs of the state police crime laboratory related to the DNA unit, so-called; provided, that \$270,000 shall be made available for the laboratory information management system; provided further, that \$215,000 shall be made available for the purchase of DNA testing kits; and provided further, that \$120,000 shall be made available for the costs of accreditation and related inspection of the laboratory \$605,000

Department of Correction.

8900-0020 The department of correction may expend an amount not to exceed \$7,900,000 in revenues received as federal reimbursement through the state criminal alien assistance program, so-called, for housing federal alien inmates in state correction facilities; provided, that not less than \$5,000,000 shall be expended from this item for the remediation of Clean State projects, so-called; provided further, that not more than \$2,900,000 from this item shall be expended for one-time maintenance, repairs and renovations in state correction facilities and shall not entail ongoing spending obligations; and provided further, that this appropriation shall expire on June 30, 2001 \$7,900,000

Middlesex Sheriff.

8910-0106 The Middlesex sheriff's department may expend an amount not to exceed \$2,268,518 in revenues received as federal reimbursement through the state criminal alien assistance program, so-called, for housing federal alien inmates in facilities under the administration of the department; provided, that expenditures from this item shall be for one-time maintenance, repairs, equipment purchases and renovations in said facilities and shall not entail ongoing spending obligations; and provided further, that this appropriation shall expire on June 30, 2001 \$2,268,518

NO SECTION 2B.

SECTION 2C.I. For the purpose of making available in fiscal year 2000 balances of appropriations which otherwise would revert on June 30, 1999, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions

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stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2000; provided, however, that for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the funds designated for the corresponding item in said section 2 of said general appropriation act; provided, however, that for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated from the funds designated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated herein shall be in addition to any amounts available for said purposes.

JUDICIARY.*Committee for Public Counsel Services.*

0321-1520	\$2,518,854
0321-1525	\$282,227
0321-1526	\$156,749
0321-1527	\$242,170

Trial Court.

0337-0003	\$3,117,000
0339-2100	\$130,568

EXECUTIVE.

0411-1000	\$771,336
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SECRETARY OF STATE.

0521-0000	\$18,729
0521-0006	\$900,000
0526-0100	\$290,816

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.*Group Insurance Commission.*

1108-5400	\$424,238
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Division of Capital Asset Management and Maintenance.

1102-3210	\$12,725,265
1102-9999	\$1,957,664

Department of Revenue.

1231-1020	\$3,000,000
1233-2010	\$1,410,081

Department of Veterans' Services.

1410-0620	\$4,994,565
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Reserves.

1599-0033	\$3,500,000
1599-3432	\$63,844
1599-3434	\$2,753,598
1599-3436	\$1,400,468

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1599-3438	\$374,130
1599-3829	\$198,000
1599-3845	\$2,000,000
1599-3928	\$1,253,000
1599-3929	\$2,128,000
1599-3931	\$2,317,000
1599-3932	\$2,317,000
1599-3933	\$324,000
1599-3934	\$776,000
1599-3971	\$18,000,000
1599-4020	\$411,303
1599-4021	\$1,233,923
1599-4022	\$105,997
1599-4023	\$318,946
1599-4024	\$228,716
1599-4025	\$208,305
1599-4026	\$504,346
1599-4027	\$350,085
1599-4028	\$335,560
1599-4029	\$1,763,744
1599-4030	\$10,400,000
1599-4031	\$695,459
1599-9711	\$3,367,373
1599-9713	\$1,480,393
1599-9714	\$1,800,893
1599-9715	\$1,060,603
1599-9716	\$1,125,000
<i>Division of Human Resources.</i>	
1750-0117	\$242,223
1750-0200	\$349,000
<i>Information Technology Division.</i>	
1790-0107	\$3,200,000
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.	
<i>Department of Environmental Management.</i>	
2100-0005	\$4,747,495
<i>Department of Environmental Protection.</i>	
2250-2001	\$2,100,000
<i>Metropolitan District Commission.</i>	
2440-0010	\$2,915,000
2444-9005	\$300,000

Chap. 68**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.***Office of the Secretary.*

4000-0107 \$1,286,942

Department of Social Services.

4800-0041 \$3,127,699

4800-0049 \$1,638,633

Department of Labor and Workforce Development.

7003-0701 \$8,256,142

Department of Housing and Community Development.

7004-2028 \$1,000,000

Department of Economic Development.

7007-0920 \$1,500,000

Department of Education.

7052-0007 \$1,784,946

EXECUTIVE OFFICE OF PUBLIC SAFETY.*Office of the Secretary.*

8001-1900 \$1,955,000

Criminal History Systems Board.

8000-0125 \$524,831

8000-0134 \$650,000

Department of State Police.

8100-0000 \$18,000

8100-0007 \$1,468,660

8100-0030 \$605,000

Department of Correction.

8900-0019 \$1,000,000

Sheriffs.

8910-0107 \$54,399

8910-0110 \$143,394

LEGISLATURE.*Joint Legislature.*

9744-1000 \$1,700,000

SECTION 2C.II. For the purpose of making available in fiscal year 2000 balances of retained revenue and intragovernmental chargeback authorizations which otherwise would revert on June 30, 1999, the unexpended balances of the authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2B of the general appropriation act for fiscal year 2000; provided, however, that for items which do not appear in said section 2 or 2B of said general appropriation act, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2, 2A or 2B of this act or in prior appropriation acts. Amounts in this

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section are re-authorized from the funds designated for the corresponding item in said section 2 or 2B of said general appropriation act; provided, however, that for items which do not appear in said section 2 or 2B of said general appropriation act, the amounts in this section are re-authorized from the funds designated for the corresponding item in section 2, 2A or 2B of this act or in prior appropriation acts. The sums re-authorized herein shall be in addition to any amounts available for said purposes.

Department of Corrections.

8900-0020 \$7,900,000

Middlesex Sheriff.

8910-0106 \$2,268,518

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, an additional \$85,535,000 in revenues derived from the state lottery shall be distributed to the cities and towns as additional lottery revenues in accordance with the following schedule:

ABINGTON	\$212,243
ACTON	\$150,786
ACUSHNET	\$151,053
ADAMS	\$182,246
AGAWAM	\$362,131
ALFORD	\$1,378
AMESBURY	\$220,944
AMHERST	\$850,297
ANDOVER	\$219,912
ARLINGTON	\$449,467
ASHBURNHAM	\$83,085
ASHBY	\$46,937
ASHFIELD	\$18,554
ASHLAND	\$131,156
ATHOL	\$242,253
ATTLEBORO	\$635,743
AUBURN	\$181,712
AVON	\$37,040
AYER	\$69,975
BARNSTABLE	\$280,132
BARRE	\$85,434
BECKET	\$7,787
BEDFORD	\$102,360
BELCHERTOWN	\$167,650
BELLINGHAM	\$178,330
BELMONT	\$171,992

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BERKLEY	\$66,951
BERLIN	\$20,466
BERNARDSTON	\$29,652
BEVERLY	\$445,443
BILLERICA	\$484,026
BLACKSTONE	\$142,317
BLANDFORD	\$10,940
BOLTON	\$20,196
BOSTON	\$7,101,732
BOURNE	\$151,228
BOXBOROUGH	\$27,826
BOXFORD	\$68,293
BOYLSTON	\$38,381
BRAINTREE	\$348,219
BREWSTER	\$53,759
BRIDGEWATER	\$398,238
BRIMFIELD	\$38,665
BROCKTON	\$2,145,823
BROOKFIELD	\$49,331
BROOKLINE	\$410,763
BUCKLAND	\$25,577
BURLINGTON	\$190,601
CAMBRIDGE	\$818,076
CANTON	\$174,79
CARLISLE	\$26,013
CARVER	\$183,951
CHARLEMONT	\$18,185
CHARLTON	\$135,016
CHATHAM	\$20,905
CHELMSFORD	\$372,670
CHELSEA	\$663,757
CHESHIRE	\$56,175
CHESTER	\$17,124
CHESTERFIELD	\$14,334
CHICOPEE	\$1,046,862
CHILMARK	\$497
CLARKSBURG	\$33,924
CLINTON	\$236,737
COHASSET	\$41,283

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COLRAIN	\$25,497
CONCORD	\$98,604
CONWAY	\$16,625
CUMMINGTON	\$7,304
DALTON	\$104,261
DANVERS	\$201,299
DARTMOUTH	\$272,610
DEDHAM	\$236,833
DEERFIELD	\$51,215
DENNIS	\$69,055
DIGHTON	\$77,822
DOUGLAS	\$81,383
DOVER	\$21,959
DRACUT	\$443,605
DUDLEY	\$169,830
DUNSTABLE	\$24,162
DUXBURY	\$113,179
EAST BRIDGEWATER	\$167,619
EAST BROOKFIELD	\$25,782
EAST LONGMEADOW	\$141,896
EASTHAM	\$19,362
EASTHAMPTON	\$267,878
EASTON	\$253,041
EDGARTOWN	\$7,172
EGREMONT	\$5,894
ERVING	\$9,324
ESSEX	\$25,131
EVERETT	\$413,210
FAIRHAVEN	\$207,918
FALL RIVER	\$2,076,610
FALMOUTH	\$181,288
FITCHBURG	\$953,360
FLORIDA	\$6,809
FOXBOROUGH	\$167,405
FRAMINGHAM	\$744,821
FRANKLIN	\$285,796
FREETOWN	\$112,764
GARDNER	\$475,818
AQUINNAH	\$195
GEORGETOWN	\$74,963
GILL	\$25,584

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GLOUCESTER	\$289,617
GOSHEN	\$8,120
GOSNOLD	\$71
GRAFTON	\$182,029
GRANBY	\$82,824
GRANVILLE	\$14,375
GREAT BARRINGTON	\$77,073
GREENFIELD	\$321,227
GROTON	\$90,287
GROVELAND	\$69,874
HADLEY	\$36,877
HALIFAX	\$99,478
HAMILTON	\$63,908
HAMPDEN	\$56,083
HANCOCK	\$2,753
HANOVER	\$115,928
HANSON	\$130,540
HARDWICK	\$38,453
HARVARD	\$181,307
HARWICH	\$55,791
HATFIELD	\$28,090
HAVERHILL	\$971,611
HAWLEY	\$3,374
HEATH	\$8,383
HINGHAM	\$143,803
HINSDALE	\$22,368
HOLBROOK	\$170,601
HOLDEN	\$186,160
HOLLAND	\$21,215
HOLLISTON	\$136,849
HOLYOKE	\$1,083,988
HOPEDALE	\$81,830
HOPKINTON	\$79,760
HUBBARDSTON	\$44,749
HUDSON	\$225,249
HULL	\$125,167
HUNTINGTON	\$33,404
IPSWICH	\$108,823
KINGSTON	\$111,020
LAKEVILLE	\$86,439
LANCASTER	\$95,088

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LANESBOROUGH	\$27,979
LAWRENCE	\$2,979,889
LEE	\$60,244
LEICESTER	\$190,579
LENOX	\$38,850
LEOMINSTER	\$638,884
LEVERETT	\$20,822
LEXINGTON	\$166,771
LEYDEN	\$9,191
LINCOLN	\$52,712
LITTLETON	\$66,651
LONGMEADOW	\$131,124
LOWELL	\$2,727,603
LUDLOW	\$270,693
LUNENBURG	\$122,756
LYNN	\$1,873,391
LYNNFIELD	\$81,757
MALDEN	\$985,508
MANCHESTER	\$23,751
MANSFIELD	\$179,866
MARBLEHEAD	\$125,527
MARION	\$28,808
MARLBOROUGH	\$356,821
MARSHFIELD	\$224,887
MASHPEE	\$43,494
MATTAPOISETT	\$43,642
MAYNARD	\$129,090
MEDFIELD	\$89,495
MEDFORD	\$783,977
MEDWAY	\$126,259
MELROSE	\$336,585
MENDON	\$44,989
MERRIMAC	\$83,580
METHUEN	\$619,330
MIDDLEBOROUGH	\$283,899
MIDDLEFIELD	\$4,572
MIDDLETON	\$40,423
MILFORD	\$329,633
MILLBURY	\$184,979
MILLIS	\$94,474
MILLVILLE	\$36,989

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MILTON	\$259,965
MONROE	\$511
MONSON	\$118,717
MONTAGUE	\$125,871
MONTEREY	\$2,755
MONTGOMERY	\$8,943
MOUNT WASHINGTON	\$368
NAHANT	\$32,153
NANTUCKET	\$10,629
NATICK	\$261,177
NEEDHAM	\$174,893
NEW ASHFORD	\$1,235
NEW BEDFORD	\$2,251,142
NEW BRAINTREE	\$13,484
NEW MARLBOROUGH	\$5,668
NEW SALEM	\$9,418
NEWBURY	\$50,540
NEWBURYPORT	\$163,853
NEWTON	\$511,614
NORFOLK	\$122,988
NORTH ADAMS	\$397,838
NORTH ANDOVER	\$218,376
NORTH ATTLEBOROUGH	\$326,701
NORTH BROOKFIELD	\$85,922
NORTH READING	\$113,228
NORTHAMPTON	\$400,048
NORTHBOROUGH	\$120,238
NORTHBRIDGE	\$246,282
NORTHFIELD	\$36,582
NORTON	\$227,425
NORWELL	\$69,594
NORWOOD	\$273,097
OAK BLUFFS	\$9,865
OAKHAM	\$21,484
ORANGE	\$167,373
ORLEANS	\$22,829
OTIS	\$2,962
OXFORD	\$227,131
PALMER	\$183,545
PAXTON	\$50,339

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PEABODY	\$496,843
PELHAM	\$17,705
PEMBROKE	\$188,250
PEPPERELL	\$149,068
PERU	\$10,816
PETERSHAM	\$11,915
PHILLIPSTON	\$24,330
PITTSFIELD	\$764,747
PLAINFIELD	\$5,693
PLAINVILLE	\$89,160
PLYMOUTH	\$502,548
PLYMPTON	\$30,020
PRINCETON	\$33,457
PROVINCETOWN	\$16,278
QUINCY	\$1,150,360
RANDOLPH	\$449,690
RAYNHAM	\$110,641
READING	\$222,444
REHOBOTH	\$97,267
REVERE	\$727,728
RICHMOND	\$10,884
ROCHESTER	\$47,136
ROCKLAND	\$265,691
ROCKPORT	\$52,662
ROWE	\$672
ROWLEY	\$57,000
ROYALSTON	\$17,045
RUSSELL	\$23,533
RUTLAND	\$76,504
SALEM	\$490,774
SALISBURY	\$67,678
SANDISFIELD	\$2,485
SANDWICH	\$152,724
SAUGUS	\$257,996
SAVOY	\$9,907
SCITUATE	\$140,477
SEEKONK	\$122,360
SHARON	\$153,852
SHEFFIELD	\$21,630
SHELBURNE	\$25,479

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SHERBORN	\$19,617
SHIRLEY	\$158,533
SHREWSBURY	\$275,930
SHUTESBURY	\$18,956
SOMERSET	\$158,335
SOMERVILLE	\$1,394,290
SOUTH HADLEY	\$257,518
SOUTHAMPTON	\$58,615
SOUTHBOROUGH	\$46,178
SOUTHBRIDGE	\$410,692
SOUTHWICK	\$104,918
SPENCER	\$214,428
SPRINGFIELD	\$3,882,657
STERLING	\$77,346
STOCKBRIDGE	\$10,344
STONEHAM	\$246,566
STOUGHTON	\$366,778
STOW	\$49,378
STURBRIDGE	\$92,478
SUDBURY	\$86,791
SUNDERLAND	\$54,486
SUTTON	\$80,686
SWAMPSCOTT	\$117,987
SWANSEA	\$187,788
TAUNTON	\$848,082
TEMPLETON	\$133,968
TEWKSBURY	\$317,165
TISBURY	\$12,293
TOLLAND	\$689
TOPSFIELD	\$48,359
TOWNSEND	\$139,098
TRURO	\$3,517
TYNGSBOROUGH	\$129,677
TYRINGHAM	\$1,244
UPTON	\$50,088
UXBRIDGE	\$157,001
WAKEFIELD	\$253,181
WALES	\$22,583
WALPOLE	\$220,189
WALTHAM	\$617,820

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WARE	\$175,670
WAREHAM	\$216,862
WARREN	\$77,491
WARWICK	\$10,609
WASHINGTON	\$7,042
WATERTOWN	\$341,188
WAYLAND	\$70,722
WEBSTER	\$260,328
WELLESLEY	\$129,890
WELLFLEET	\$7,409
WENDELL	\$14,879
WENHAM	\$38,057
WEST BOYLSTON	\$76,536
WEST BRIDGEWATER	\$63,422
WEST BROOKFIELD	\$50,327
WEST NEWBURY	\$31,715
WEST SPRINGFIELD	\$345,684
WEST STOCKBRIDGE	\$10,171
WEST TISBURY	\$6,097
WESTBOROUGH	\$112,478
WESTFIELD	\$594,960
WESTFORD	\$161,683
WESTHAMPTON	\$16,033
WESTMINSTER	\$77,907
WESTON	\$38,562
WESTPORT	\$118,483
WESTWOOD	\$77,599
WEYMOUTH	\$766,492
WHATELY	\$13,381
WHITMAN	\$243,098
WILBRAHAM	\$127,640
WILLIAMSBURG	\$33,333
WILLIAMSTOWN	\$92,252
WILMINGTON	\$165,554
WINCHENDON	\$175,430
WINCHESTER	\$129,319
WINDSOR	\$6,933
WINTHROP	\$264,580
WOBURN	\$353,251
WORCESTER	\$3,619,246

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WORTHINGTON	\$12,970
WRENTHAM	\$108,629
YARMOUTH	\$163,341

SECTION 4. Section 49 of chapter 29 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 46, the word "or".

SECTION 4A. Said section 49 of said chapter 29, as so appearing, is hereby further amended by inserting after the word "association", in line 49, the following words:- ; or (vi) obligations that have been advance refunded or defeased prior to their maturity, that are fully and irrevocably secured as to principal and interest by moneys or securities described in clauses (i) to (iii), inclusive, held in trust for the payment thereof, and that are not callable prior to maturity except at the option of the holder thereof.

SECTION 5. Said section 49 of said chapter 29, as so appearing, is hereby further amended by striking out, in line 136, the words "less any premium" and inserting in place thereof the following words:- ; provided that the state treasurer may determine to apply all or a portion of any premium received on the sale of any such bonds or note, without appropriation, to the costs of issuance thereof or other financing costs related thereto or to the payment of the principal thereof or sinking fund installments with respect thereto, in which case the amount of any premium so applied shall not be included in the amount of the issue.

NO SECTION 6.

SECTION 7. Section 52 of said chapter 29 is hereby repealed.

SECTION 8. Section 53 of said chapter 29, as appearing in the 1998 Official Edition, is hereby amended by striking out the first four sentences and inserting in place thereof the following three sentences:- Whenever there is to be an issue of bonds or notes of the commonwealth maturing at a time later than three years from their dates, excepting such bonds or notes as are to be issued for the investment of cash in any of the sinking or other established funds of the commonwealth, the state treasurer shall solicit bids for the purchase thereof, and shall provide reasonable notice to the public of such solicitations. The state treasurer may reserve the right to reject any or all bids. If no bid is accepted, the whole or any part of the loan may be awarded to any person.

SECTION 9. Section 53A of said chapter 29, as so appearing, is hereby amended by inserting after the word "Bonds", in line 28, the following words:- or Special Obligation Refunding Bonds, as appropriate..

SECTION 10. Said section 53A of said chapter 29, as so appearing, is hereby further amended by striking out, in line 39, the words "General Obligation Refunding Bonds" and inserting in place thereof the following words:- refunding bonds issued pursuant to this section.

SECTION 11. Said chapter 29 is hereby amended by striking out section 54, as so appearing, and inserting in place thereof the following section:-

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Section 54. The state treasurer may require each bidder submitting a proposal pursuant to section 53, as a condition precedent to the consideration of such bidder's proposal, to submit a good faith deposit or otherwise secure such bidder's proposal, in such manner and amount as the state treasurer shall determine to be appropriate.

SECTION 12. Section 5 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the word "sixty-one A", in line 291, the following words:-, except that in the case of employees who are members of the Massachusetts Correction Officers Federated Union, bargaining unit 4, so-called, of the department of correction, such standards shall be utilized only with regard to individuals whose employment commenced at the department of correction on or after March 1, 1999.

SECTION 13. Chapter 62C of the General Laws is hereby amended by adding the following section:-

Section 86. (a) The administration of the convention center financing surcharges imposed under subsections (d), (e) and (f) of section 9 of chapter 152 of the acts of 1997 is vested in the commissioner. All provisions of this chapter relative to assessment, collection, payment, abatement, verification and administration, including penalties and interest, shall, so far as pertinent, be applicable to the convention center financing surcharges as though they were taxes enumerated in section 2.

(b) The convention center financing surcharge imposed under subsection (d) of section 9 of chapter 152 of the acts of 1997 shall be collected by the operator of the tour or cruise and remitted to the department of revenue on a quarterly basis.

(c) The convention center financing surcharge imposed under subsection (e) of section 9 of said chapter 152 shall be collected by the vendor and remitted to the department of revenue on a quarterly basis.

(d) The convention center financing surcharge imposed under subsection (f) of section 9 of said chapter 152 shall be collected by the operator of the parking facility and remitted to the department of revenue on a quarterly basis.

SECTION 14. The second paragraph of section 16B of chapter 118E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the definition of "Eligible person" and inserting in place thereof the following definition:-

"Eligible person", a resident of the commonwealth for not less than six months prior to application for enrollment in said program, who is 65 years of age or older, not eligible for pharmacy benefits or coverage under this chapter, who has exhausted, either on a quarterly or annual basis, pharmacy benefits or coverage available to such a resident from a Medicare supplemental insurance policy regulated by chapter 176K or any other third party payor and whose annual income does not exceed 200 per cent of the federal poverty level or the applicable income eligibility limits as provided herein; provided, however, that for the purposes of determining eligibility under this section, countable annual income shall not include the cost of Medicare Part B premiums unless the cost of said premiums is paid by the division.

SECTION 15. Section 53A of chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

Notwithstanding any of the foregoing provisions of this section or the provisions of any other general or special law to the contrary, with respect to federal fiscal years 1999, 2000, and 2001 funds credited to said Unemployment Trust Fund pursuant to section 903 of the federal social security act shall be used solely for the administration of this chapter and shall not be subject to appropriation.

SECTION 16. Section 2 of chapter 38 of the acts of 1995 is hereby amended by striking out item 9000-1806, inserted by section 59 of chapter 120 of the acts of 1995, and inserting in place thereof the following item:-

9000-1806 For a grant to fund the council of state governments' proposed Yankee Trader Institute for the purpose of assisting in the expansion of export trade opportunities for the Northeast region by providing a standard location for export inquiries, offering new services and coordinating existing services, expanding informational resources, leveraging funding from public and private sources and facilitating joint strategies for export trade \$60,000.

SECTION 17. Paragraph (d) of section 9 of chapter 152 of the acts of 1997 is hereby amended by adding the following sentence:- For purposes of this paragraph, a ticket shall include any individual or group admission charge for said tour or cruise, whether or not evidenced by a written agreement, and a water-based entertainment cruise shall include any cruise of 24 hours duration or less, conducted partly or entirely within the city of Boston, whose primary purpose is not transportation, but shall not include bare-boat charters so-called.

SECTION 18. The first sentence of paragraph (b) of section 10 of said chapter 152 is hereby amended by striking out the words "and Cambridge" and inserting in place thereof the following words:- , Cambridge, Springfield and Worcester.

SECTION 19. Said first sentence of said paragraph (b) of said section 10 of said chapter 152 is hereby further amended by striking out the words "(vi) in the city of Boston" and inserting in place thereof the following words:- (vi) in the cities of Boston, Springfield and Worcester.

SECTION 20. Item 0321-1520 of section 2 of chapter 194 of the acts of 1998 is hereby amended by adding the following words:- ; and provided further, that the chief counsel may transfer funds from this item to item 0321-1510 and item 0321-1512 as necessary, pursuant to schedules submitted to the house and senate committees on ways and means not later than ten days after such transfer has occurred.

SECTION 21. Item 4130-1000 of said section 2 of said chapter 194 is hereby amended by adding the following words:-

General Fund 60.0%
Child Care Fund 40.0%

SECTION 22. Item 4130-3100 of said section 2 of said chapter 194 is hereby amended by striking out the words

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"Child Care Fund 50.15%
General Fund 49.85%"

and inserting in place thereof the following words:-

Child Care Fund 100.0%

SECTION 23. Item 4130-3200 of said section 2 of said chapter 194 is hereby amended by striking out the words

"General Fund 38.63%
Transitional Aid to Needy Families Fund 35.52%
Child Care Fund 25.85%"

and inserting in place thereof the following words:-

Transitional Aid to Needy Families Fund 47.01%
General Fund 39.68%
Child Care Fund 13.31%

SECTION 24. Item 4130-3300 of said section 2 of said chapter 194 is hereby amended by striking out the words

"Child Care Fund 95.0%
General Fund 5.0%"

and inserting in place thereof the following words:-

Child Care Fund 97.0%
General Fund 3.0%

SECTION 25. Item 4130-3600 of said section 2 of said chapter 194 is hereby amended by striking out the words

"Child Care Fund 60.00%
General Fund 37.66%
Social Services Fund 2.34%"

and inserting in place thereof the following words:-

Child Care Fund 95.06%
General Fund 4.19%
Social Services Fund 0.75%

SECTION 26. Item 4130-3700 of said section 2 of said chapter 194 is hereby amended by striking out the words

"General Fund 78.27%
Transitional Aid to Needy Families Fund 21.73%"

and inserting in place thereof the following words:-

General Fund 50.0%
Transitional Aid to Needy Families Fund 50.0%

SECTION 27. Item 4400-1000 of said section 2 of said chapter 194 is hereby amended by striking out the words

"General Fund 75.0%
Transitional Aid to Needy Families Fund 25.0%"

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and inserting in place thereof the following words:-

General Fund	66.0%
Transitional Aid to Needy Families Fund	34.0%

SECTION 28. Item 4400-1100 of said section 2 of said chapter 194 is hereby amended by striking out the words

"General Fund	75.0%
Transitional Aid to Needy Families Fund	25.0%"

and inserting in place thereof the following words:-

General Fund	66.0%
Transitional Aid to Needy Families Fund	34.0%

SECTION 29. Item 4400-9999 of said section 2 of said chapter 194 is hereby amended by striking out the words

"General Fund	75.0%
Transitional Aid to Needy Families Fund	25.0%"

and inserting in place thereof the following words:-

General Fund	66.0%
Transitional Aid to Needy Families Fund	34.0%

SECTION 30. Item 4401-1000 of said section 2 of said chapter 194 is hereby amended by striking out the words

"General Fund	90.0%
Transitional Aid to Needy Families Fund	10.0%

and inserting in place thereof the following words:-

Transitional Aid to Needy Families Fund	56.50%
General Fund	43.50%

SECTION 31. Item 4403-2000 of said section 2 of said chapter 194 is hereby amended by striking out the words

"Transitional Aid to Needy Families Fund	55.0%
General Fund	45.0%

and inserting in place thereof the following words:-

General Fund	51.0%
Transitional Aid to Needy Families Fund	49.0%

SECTION 32. Item 4403-2110 of said section 2 of said chapter 194 is hereby amended by striking out the words

"General Fund	81.90%
Transitional Aid to Needy Families Fund	18.10%"

and inserting in place thereof the following words:-

Transitional Aid to Needy Families Fund	80.0%
General Fund	20.0%

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SECTION 33. Item 4403-2120 of said section 2 of said chapter 194 is hereby amended by striking out the words

"General Fund 82.44%

Transitional Aid to Needy Families Fund 17.56%"

and inserting in place thereof the following words:-

Transitional Aid to Needy Families Fund 57.0%

General Fund 43.0%"

SECTION 34. Item 4800-0041 of said section 2 of said chapter 194 is hereby amended by striking out the words

"General Fund 72.0%

Social Services Program Fund 28.0%"

and inserting in place thereof the following words:-

General Fund 77.15%

Social Services Program Fund 22.85%

SECTION 35. Item 8100-0000 of said section 2 of said chapter 194 is hereby amended by adding the following words:- ; and provided further, that not more than \$18,000 shall be paid to the Sudbury valley trustees, so-called, for the purposes of repairing the Boston and Maine section house located at Route 20 and Maple avenue in the town of Sudbury for damages incurred to said property in an automobile accident which occurred on June 19, 1997.

SECTION 36. Item 8910-0000 of said section 2 of said chapter 194 is hereby amended by striking out the words "; provided further, that neither Hampshire nor Suffolk counties shall receive additional funding from said balance for county corrections maintenance and operation expenses" and inserting in place thereof the following words:- ; provided further, that Hampshire county shall not receive additional funding from said balance for county correction maintenance and operation expenses.

SECTION 37. Item 1100-1703 of section 2D of said chapter 194 is hereby amended by inserting after the word "benefit" the following words:- and indirect cost.

SECTION 38. Item 1100-1710 of said section 2D of said chapter 194 is hereby amended by inserting after the word "benefit" the following words:- and indirect cost.

SECTION 39. The first sentence of section 318 of said chapter 194 is hereby amended by striking out the figure "\$32,000,000" and inserting in place thereof the following figure:- \$112,000,000.

SECTION 40. Item 1599-7008 of section 2A of chapter 299 of the acts of 1998 is hereby amended by adding the following words:- ; and provided further, that \$64,000 of the sum appropriated herein shall be made available to meet the commonwealth's obligations pursuant to the provisions of subsection A of section 3 of article 20 of said agreement and shall not expire until June 30, 2000.

SECTION 41. Section 1 of chapter 20 of the acts of 1999 is hereby amended by striking out the words "and shall be for the several purposes and subject to the conditions

specified therein" and inserting in place thereof the following words:- herein or in said appropriation acts, and shall be for the several purposes and subject to the conditions specified herein or in said appropriation acts.

SECTION 42. Section 1 of chapter 22 of the acts of 1999 is hereby amended by striking out the words "for the several purposes and subject to the conditions specified therein" and inserting in place thereof the following words:- unless specifically designated otherwise herein or in said appropriation acts and shall be for the several purposes and subject to the conditions specified herein or in said appropriation acts.

SECTION 43. Section 2A of chapter 55 of the acts of 1999 is hereby amended by striking out the item number "0511-0250" and inserting in place thereof the following item number:- 0511-0251.

SECTION 44. Said section 2A of said chapter 55 is hereby further amended by striking out the item number "1100-1400" and inserting in place thereof the following item number:- 1100-1401.

SECTION 45. Said section 2A of said chapter 55 is hereby further amended by striking out the item number "1102-3204" and inserting in place thereof the following item number:- 1102-3203.

SECTION 45A. Said section 2A of said chapter 55 is hereby further amended by striking out the item number "7066-0011" and inserting in place thereof the following item number:- 7066-0013.

SECTION 45B. Said section 2A of said chapter 55 is hereby further amended by striking out the item number "7066-0115" and inserting in place thereof the following item number:- 7066-0118.

SECTION 46. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Transitional Escrow Fund. Notwithstanding the provisions of any general or special law to the contrary, the state treasurer shall, effective June 30, 1999, transfer to said Transitional Escrow Fund the sum of \$92,000,000 from revenues credited to the General Fund in fiscal year 1999. Expenditures from said fund shall be subject to appropriation.

Said fund shall expire on December 31, 1999, at which time the comptroller shall transfer the unexpended balance in said fund as follows: up to 40 per cent of the unexpended balance in said fund may be transferred to an account established pursuant to the comptroller's authority under sections 8 and 9 of chapter 7A of the General Laws for the purposes specified in section 49 of chapter 29 of the General Laws, and the remaining balance in said fund shall be transferred to the Commonwealth Stabilization Fund established pursuant to section 2H of said chapter 29.

NO SECTION 47.

SECTION 48. Said section 2A of said chapter 55 is hereby further amended by striking out the item number "7515-0100" and inserting in place thereof the following item number:- 7515-0101.

SECTION 49. Section 2F of said chapter 55 is hereby amended by striking out the item number "8100-0001" and inserting in place thereof the following item number:- 8100-0021.

SECTION 50. Notwithstanding the provisions of any general or special law to the contrary, the department of labor and Workforce Development may expend \$9,288 from item 7002-0100 of section 2 of chapter 194 of the acts of 1998 for prior year payments and payments to the Council for Adults and Experiential Learning, so-called.

SECTION 51. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer as of June 30, 1999, into the Collective Bargaining Reserve Fund established by section 82 of chapter 120 of the acts of 1995 the sum of \$86,000,000 from the general fund.

SECTION 52. Notwithstanding the provisions of any general or special law to the contrary the amounts appropriated in sections 2 and 2A may be expended for prior year bill payments. The provisions of this section shall not apply to items 0521-0006, 2250-2001, 7004-2020, 7007-0920, 8000-0134, 8100-0030, 8900-0020, and 8910-0106 of section 2A.

SECTION 53. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may transfer appropriated funds among items 4000-0500, 4000-0600 and 4000-0700 of section 2 of chapter 194 of the acts of 1998, provided, however, that the amount transferred from any of said items shall not exceed 10 per cent of the appropriation in that item.

SECTION 54. Notwithstanding the provisions of section 276 of chapter 194 of the acts of 1998 to the contrary, the secretary of administration and finance may direct the comptroller to allocate monies from the Maximization Fund to the Massachusetts rehabilitation commission regardless of whether said commission collects net additional revenues in excess of the amount projected in section 1B of said chapter 194; provided, however, that all other provisions of said section 276 of said chapter 194 shall apply to any allocations made pursuant to the provisions of this section.

SECTION 55. (a) As used in this section, the following words shall have the following meanings:-

"Building", the Leverett Saltonstall state office building at 100 Cambridge street in the city of Boston.

"Secretary", the secretary of administration and finance.

(b) Within 30 days after the effective date of this section, the secretary shall cause to be published in the central register under section 20A of chapter 9 of the General Laws in large metropolitan newspapers and professional real estate trade journals a notice requesting proposals from any public or private entity, agency, individual partnership or joint-venture regarding the use, reuse, rehabilitation, renovation, reconstruction, purchase, ownership, lease, construction or development of the building. The secretary may include in the notice any information, restrictions, requirements, conditions or additional provisions that may be necessary to comply with any applicable law, to assist any public or private entity, agency,

individual partnership or joint-venture in responding to said notice which are consistent with the purposes of this section.

The notice shall solicit the following proposals:

(1) proposals to purchase the building in its current "as is" condition for its full and fair market value at its highest and best use. Said proposal shall include a plan for use or reuse of said building, including any combination of construction of new office space, rehabilitation of existing office space or development for uses other than only office space. Proposals shall relocate the government agencies and departments having occupied the building with office space in another location, either in the city of Boston or outside said city, including the use of multiple sites for office space; provided, that such sites shall be convenient for the public and to public transportation and convenient for the business of the public departments or agencies so located.

(2) proposals to purchase the building in its current "as is" condition for its full and fair market value as its highest and best use; provided that said proposal shall include the commonwealth's retaining the right to occupy no less than 15 per cent of the building after such reconstruction, repair and rehabilitation of the building for office space for its agencies and departments. Such proposal shall also include a plan for relocating the agencies and departments of the commonwealth as provided in clause (1).

(3) proposals to finance, design, redesign, repair, rehabilitate or reconstruct the building for continued use as office space for the agencies and departments of the commonwealth; provided, that said proposal shall specify a guaranteed price and time for completion of the project and may also recommend alternatives to existing statutory procurement requirements. Such a proposal may provide that: (1) the commonwealth enter into a long-term lease with the developer; or (2) the commonwealth shall retain title to the building but compensate the developer for its work.

(4) proposals of any other type or kind for the use, reuse, rehabilitation, renovation, reconstruction, purchase, ownership, lease, construction or development of the building that the secretary, in his discretion, may include in the notice; provided, that any such proposal shall be consistent with the purposes of this section.

(c) Notwithstanding any general or special law to the contrary, the secretary shall require each proposal requested pursuant to subsection (b) to include proof satisfactory to the secretary of the following: (i) the proponent's financial ability to perform as so required by the proposal; (ii) the proponent's competence and ability to perform as so required by the proposal; (iii) the proponent's ability to secure a surety bond to perform as so required by the proposal; and (iv) any other qualifications, credentials, experience, accreditation or licenses that the secretary may deem necessary.

(d) All responses to the request for proposals provided for in subsection (2) shall be submitted to the secretary on or before 90 days after the publishing of said notice.

(e) Not later than 120 days after the submission of the proposals pursuant to subsection (d), the secretary shall file a written report with the house and senate committees on ways and means and the joint committee on state administration. Said report shall include

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a cost-benefit analysis comparing the proposals received pursuant to subsection (b) and shall recommend which proposal is most cost-effective; provided, that the secretary shall consider, among others, the following factors as part of said cost-benefit analysis:

(i) cost, feasibility, effectiveness, and timeliness of renovating, rehabilitating or reconstructing the building by the commonwealth for the sole use of its agencies and departments;

(ii) purchase price of the building by public or private entity, individual, agency, partnership or joint-venture;

(iii) cost, feasibility, convenience, availability and effectiveness of relocating agencies and departments now located in the building to other sites either within or outside the city of Boston;

(iv) cost, feasibility, convenience and timeliness of the commonwealth leasing office space within the building from a private or public entity, agency, individual, partnership or joint-venture;

(v) condition and use of the building, including the nature of the current "as is" condition of the building, future maintenance costs, rehabilitation or reconstruction costs and danger, if any, to the health and safety of the users and occupants of the building;

(vi) public convenience to the agencies and departments located in the building;

(vii) availability of financing to the commonwealth or to any private or public entity, agency, individual, partnership or joint venture;

(viii) role of the commonwealth, if any, with any private or public entity, agency, individual, partnership or joint venture to renovate, rehabilitate or reconstruct the building;

(ix) potential for economic development within, near or around the building resulting from the use, reuse, renovation, rehabilitation, construction or reconstruction of the building;

(x) public interest in terms of cost, financial return and convenience to conduct the business of the agencies and departments so located; and

(xi) a comparison of the anticipated cost of and the amount of time required to complete the Saltonstall Building project through a conventional public construction process, as mandated by law, versus any alternative method of construction proposed by said secretary, in consultation with the commissioner of capital asset management and maintenance including, but not limited to, those methods submitted as a result of a request for proposals authorized by subsection (b). The report shall include a copy of all proposals submitted to the secretary, as authorized by said subsection (b), together with the legislation necessary to carry out the proposal selected and endorsed by the secretary.

SECTION 56. The 15 members of the regional transit authorities and the Massachusetts Municipal Association shall jointly investigate and report on the financial impacts of chapter 258 of the General Laws, on regional transit authorities and municipal budgets; provided that said groups shall forward said report and recommendations for legislation to the house and senate clerks, not later than December 30, 1999.

SECTION 57. Notwithstanding the provisions of any general or special law to the contrary, if the general court overrides any veto made by the governor which relates to the

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expenditure or transfer of fiscal year 1999 funds, said comptroller shall make adjustments to the fiscal year 1999 financial statements of the commonwealth to reflect the implementation of any such expenditure or transfer and shall, notwithstanding the provisions of chapter 7A or chapter 29 of the General Laws or any other general or special law to the contrary, attribute any such expenditure or transfer to said fiscal year 1999.

SECTION 58. The provisions of this act shall take effect as of June 30, 1999.

Approved September 2, 1999.

Chapter 69. AN ACT RELATIVE TO THE BOARD OF PLAYGROUND COMMISSIONERS IN THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

Chapter 17 of the acts of 1947 is hereby amended by striking out section 18, as amended by section 2 of chapter 669 of the acts of 1989, and inserting in place thereof the following section:-

Section 18. Appointment of Board of Youth and Recreation Commissioners. - The town manager shall appoint a board of youth and recreation commissioners subject to the approval of the board of selectmen by majority vote, consisting of suitably qualified residents of the town of Saugus. Three persons shall be initially appointed for a term of three years, two persons for a term of two years, and two persons for a term of one year, and annually thereafter said town manager shall appoint a qualified resident of said town for a term of three years in the place of any commissioner whose term is to expire. The members of the board shall serve until their successors are qualified. If for any reason a vacancy occurs in the membership of the board, said town manager, with the approval of said board of selectmen by majority vote, shall fill the vacancy for the unexpired term.

Said board of youth and recreation commissioners is established for the purpose of carrying out programs including, but not limited to, those designed to meet the opportunities, challenges and problems of the youth of said town in conjunction with any similar or related programs of any agency of the commonwealth or any agency of the federal government.

Said board of youth and recreation commissioners may receive gifts or property, both real and personal, in the name of said town, subject to the approval of said board of selectmen. Such gifts shall be managed and controlled by said board.

Said board of youth and recreation commissioners shall organize for the proper conduct of its duties and shall possess all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon the boards of youth and recreation commissioners of towns, but in the performance of its duties it shall be subject to the general supervision and direction of the town manager.

Commissioners shall be sworn to the faithful performance of their duties by the chairman of said board of selectmen or by a justice of the peace.

Approved September 2, 1999.

Chapter 70. AN ACT RELATIVE TO TOWN MEETINGS IN THE TOWN OF BURLINGTON.

Be it enacted, etc., as follows:

Paragraph (a) of section 12 of chapter 686 of the acts of 1970, as amended by chapter 231 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The town meeting shall be a continuous body, but it may adjourn for a period not exceeding 150 days.

Approved September 2, 1999.

Chapter 71. AN ACT REVOKING THE ACCEPTANCE BY THE TOWN OF SWAMPSCOTT OF A CERTAIN GENERAL LAW.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the acceptance by the town of Swampscott of section 42 of chapter 48 of the General Laws is hereby revoked.

Approved September 2, 1999.

Chapter 72. AN ACT RELATIVE TO A CERTAIN RESERVE FUND IN THE TOWN OF OAK BLUFFS.

Be it enacted, etc., as follows:

Chapter 234 of the acts of 1993 is hereby amended by adding the following section:-

Section 2. The future purchases provided for in section 1 shall be for the purchase and equipping of public safety vehicles for the police and fire departments and for the payment of EMT compensation for ambulance transportation outside the county of Dukes County. Any such expenditures shall be recommended by the police and fire chiefs and authorized at an annual or special town meeting without further appropriation.

Approved September 2, 1999.

Chapter 73. AN ACT AUTHORIZING THE MASSACHUSETTS WATER RESOURCES AUTHORITY TO ENTER INTO A CONTRACT WITH THE OWNER OF A CERTAIN PARCEL OF REAL ESTATE IN THE TOWN OF WESTON.

Be it enacted, etc., as follows:

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Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Water Resources Authority may enter into a contract with the owner of a certain parcel of real estate, located entirely in the town of Weston, with a post office address of 60 Crestwood Drive, Wellesley, to provide sewer services to the owner and any political subdivision listed in subsection (c) of section 8 of chapter 372 of the acts of 1984 and may, as a party to such contract or by separate contract, provide the conveyance of sewage from the owner's premises to the sewer system of the authority if service to the owner is not provided by a direct connection to the authority's sewer system. The connection authorized in this act shall be sized for and limited to use by the owner of the premises. The connection and any discharges into the connection shall be subject to the direction, control and regulation of the authority pursuant to the provisions of said chapter 372. The contract may permit the authority to charge the owner for all expenses and costs of connection and for sewer services it provides to the owner and shall contain other terms and conditions applicable to the connection and the provision of sewer services as determined by the authority. The political subdivision, if any, may charge the owner for the use of its sewer system to convey sewage to the authority's sewer system. The town of Weston shall not be obligated to pay any costs, fees, assessments or charges applicable to the sewer connection, and the sewer connection shall not obligate the town of Weston in any other manner.

Approved September 9, 1999.

Chapter 74. AN ACT IMPROVING THE SEX OFFENDER REGISTRY AND ESTABLISHING CIVIL COMMITMENT AND COMMUNITY PAROLE SUPERVISION FOR LIFE FOR SEX OFFENDERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith the vulnerable members of our communities from sexual offenders, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The general court hereby finds that: (1) the danger of recidivism posed by sex offenders, especially sexually violent offenders who commit predatory acts characterized by repetitive and compulsive behavior, to be grave and that the protection of the public from these sex offenders is of paramount interest to the government; (2) law enforcement agencies' efforts to protect their communities, conduct investigations and quickly apprehend sex offenders are impaired by the existing lack of information known about sex offenders who live within their jurisdictions and that the lack of information shared with the public may result in the failure of the criminal justice system to identify, investigate, apprehend and prosecute sex offenders; (3) the system of registering sex offenders is a proper

exercise of the commonwealth's police powers regulating present and ongoing conduct, which will provide law enforcement with additional information critical to preventing sexual victimization and to resolve incidents involving sexual abuse promptly; (4) in balancing offenders' rights with the interests of public security and safety, the release of information about sex offenders to law enforcement before the opportunity for an individual determination of the sex offender's risk of reoffense is necessary to protect the public safety; (5) registration by sex offenders is necessary in order to permit classification of such offenders on an individualized basis according to their risk of reoffense and degree of dangerousness; (6) the public interest in having current information on certain sex offenders in the hands of local law enforcement officials, including prior to such classification, far outweighs whatever liberty and privacy interests the registration requirements may implicate. Therefore, the commonwealth's policy, which will bring the state into compliance with federal requirements, is to assist local law enforcement agencies' efforts to protect their communities by requiring sex offenders to register and to authorize the release of necessary and relevant information about certain sex offenders to the public as provided in this act.

SECTION 2. Chapter 6 of the General Laws is hereby amended by striking out sections 178C to 178P, inclusive, as appearing in the 1998 Official Edition, and inserting in place thereof the following 15 sections:-

Section 178C. As used in sections 178C to 178P, inclusive, the following words shall have the following meanings:-

"Agency", an agency, department, board, commission or entity within the executive or judicial branch, excluding the committee for public counsel services, which has custody of, supervision of or responsibility for a sex offender as defined in accordance with this chapter, including an individual participating in a program of any such agency, whether such program is conducted under a contract with a private entity or otherwise. Each agency shall be responsible for the identification of such individuals within its custody, supervision or responsibility. Notwithstanding any general or special law to the contrary, each such agency shall be certified to receive criminal offender record information maintained by the criminal history systems board for the purpose of identifying such individuals.

"Mental abnormality", a congenital or acquired condition of a person that affects the emotional or volitional capacity of such person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes such person a menace to the health and safety of other persons.

"Predatory", an act directed at a stranger or person with whom a relationship has been established, promoted or utilized for the primary purpose of victimization.

"Sentencing court", the court that sentenced a sex offender for the most recent sexually violent offense or sex offense or the superior court if such sentencing occurred in another jurisdiction or the sex offender registry board to the extent permitted by federal law and established by the board's regulations.

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"Sex offender", a person who resides or works in the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the department of youth services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under section 14 of chapter 123A, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123A, whichever last occurs, on or after August 1, 1981.

"Sex offender registry", the collected information and data that is received by the criminal history systems board pursuant to sections 178C to 178P, inclusive, as such information and data is modified or amended by the sex offender registry board or a court of competent jurisdiction pursuant to said sections 178C to 178P, inclusive.

"Sex offense", an indecent assault and battery on a child under 14 under section 13B of chapter 265; indecent assault and battery on a mentally retarded person under section 13F of said chapter 265; indecent assault and battery on a person age 14 or over under section 13H of said chapter 265; rape under section 22 of said chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; rape and abuse of a child under section 23 of said chapter 265; assault with intent to commit rape under section 24 of said chapter 265; assault of a child with intent to commit rape under section 24B of said chapter 265; kidnapping of a child under section 26 of said chapter 265; enticing away a person for prostitution or sexual intercourse under section 2 of chapter 272; drugging persons for sexual intercourse under section 3 of said chapter 272; inducing a minor into prostitution under section 4A of said chapter 272; living off or sharing earnings of a minor prostitute under section 4B of said chapter 272; second and subsequent adjudication or conviction for open and gross lewdness and lascivious behavior under section 16 of said chapter 272, but excluding a first or single adjudication as a delinquent juvenile before August 1, 1992; incestuous marriage or intercourse under section 17 of said chapter 272; disseminating to a minor matter harmful to a minor under section 28 of said chapter 272; posing or exhibiting a child in a state of nudity under section 29A of said chapter 272; dissemination of visual material of a child in a state of nudity or sexual conduct under section 29B of said chapter 272; possession of child pornography under section 29C of said chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said chapter 272; aggravated rape under section 39 of chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

"Sex offense involving a child", an indecent assault and battery on a child under 14 under section 13B of chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; rape and abuse of a child under section 23 of said chapter 265; assault of a child with intent to commit rape under section 24B of said chapter 265; kidnapping of a child under the age of 16 under section 26 of said chapter 265; inducing a minor into prostitution under section 4A of chapter 272; living off or sharing earnings of a minor prostitute

under section 4B of said chapter 272; disseminating to a minor matter harmful to a minor under section 28 of said chapter 272; posing or exhibiting a child in a state of nudity under section 29A of said chapter 272; dissemination of visual material of a child in a state of nudity or sexual conduct under section 29B of said chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said chapter 272; aggravated rape under section 39 of chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

"Sexually violent offense", indecent assault and battery on a child under 14 under section 13B of chapter 265; indecent assault and battery on a mentally retarded person under section 13F of said chapter 265; rape under section 22 of said chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; assault with intent to commit rape under section 24 of said chapter 265; assault of a child with intent to commit rape under section 24B of said chapter 265; drugging persons for sexual intercourse under section 3 of chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said chapter 272; aggravated rape under section 39 of chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274 or a like violation of the law of another state, the United States or a military, territorial or Indian tribal authority, or any other offense that the sex offender registry board determines to be a sexually violent offense pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. section 14071.

"Sexually violent predator", a person who has been convicted of a sexually violent offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sexually violent offense, or a person released from incarceration, parole, probation supervision or commitment under chapter 123A or custody with the department of youth services for such a conviction or adjudication, whichever last occurs, on or after August 1, 1981, and who suffers from a mental abnormality or personality disorder that makes such person likely to engage in predatory sexually violent offenses.

Section 178D. The sex offender registry board, known as the board, in cooperation with the criminal history systems board, shall establish and maintain a central computerized registry of all sex offenders required to register pursuant to sections 178C to 178P, inclusive, known as the sex offender registry. The sex offender registry shall be updated based on information made available to the board, including information acquired pursuant to the registration provisions of said sections 178C to 178P, inclusive. The file on each sex offender required to register pursuant to said sections 178C to 178P, inclusive, shall include the following information, hereinafter referred to as registration data:

(a) the sex offender's name, aliases used, date and place of birth, sex, race, height, weight, eye and hair color, social security number, home address and work address;

(b) a photograph and set of fingerprints;

(c) a description of the offense for which the sex offender was convicted or adjudicated, the city or town where the offense occurred, the date of conviction or adjudication and the sentence imposed;

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(d) any other information which may be useful in assessing the risk of the sex offender to reoffend; and

(e) any other information which may be useful in identifying the sex offender.

The board shall develop standardized registration and verification forms, which shall include registration data as required pursuant to sections 178C to 178P. The board shall make blank copies of such forms available to all agencies having custody of sex offenders and all city and town police departments; provided, however, that the board shall determine the format for the collection and dissemination of registration data, which may include the electronic transmission of data. Records maintained in the sex offender registry shall be open to any law enforcement agency in the commonwealth, the United States or any other state. The board shall promulgate rules and regulations to implement the provisions of sections 178C to 178P, inclusive. Such rules and regulations shall include provisions which may permit police departments located in a city or town that is divided into more than one zip code to disseminate information pursuant to the provisions of section 178J categorized by zip code and to disseminate such information limited to one or more zip codes if the request for such dissemination is so qualified; provided, however, that for the city of Boston dissemination of information may be limited to one or more police districts.

The board may promulgate regulations further defining in a manner consistent with maintaining or establishing eligibility for federal funding pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. section 14071, the eligibility of sex offenders to be relieved of the obligation to register, including but not limited to, regulations limiting motions under subsection (e) of section 178E, section 178G and relief from registration pursuant to paragraph (d) of subsection (2) of section 178K.

Section 178E. (a) Not less than 90 days prior to the release of any sex offender required to register pursuant to sections 178C to 178P, inclusive, from custody, the agency which has custody of the sex offender shall transmit to the board said sex offender's registration data, which for purposes of this paragraph shall include identifying factors, anticipated future residence, offense history and documentation of any treatment received for a mental abnormality. The board shall promptly transmit the registration data to the police departments in the municipalities where the sex offender intends to live and work and where the offense was committed and to the Federal Bureau of Investigation. The sex offender shall be informed by, and shall acknowledge in writing to, the agency which has custody of the sex offender of the duty to register, to verify registration information, to give notice of change of address or intended change of address and the penalties for failure to do so and for giving false registration information, and of his right to submit to the board, according to section 178L, documentary evidence relative to his risk of reoffense, the degree of dangerousness posed to the public and of his duty to register under this section. If such sex offender is a juvenile at the time of such notification, notification shall also be mailed to such sex offender's legal guardian or agency having custody of the juvenile in the absence of a legal

guardian and his most recent attorney of record. The agency shall transmit such acknowledgment to the board within ten days of receipt of such acknowledgment. Not later than two days after his release from custody, a sex offender shall register by mailing to the board on a form approved by the board and signed under the pains and penalties of perjury, the sex offender's name, home address or intended home address, work address or intended work address.

(b) An agency that has supervision of a sex offender required to register pursuant to sections 178C to 178P, inclusive, on probation or parole shall, within five days of assuming supervision of such sex offender, transmit to the board such sex offender's registration data which, for purposes of this paragraph, shall include identifying factors, residential address or anticipated future residence, work address, offense history, documentation of any sex offender treatment and documentation of any treatment received for a mental abnormality. The agency shall also report any changes of address of any sex offender required to register pursuant to said sections 178E to 178P, inclusive, within its jurisdiction to the board. The board shall promptly transmit the registration data to the police departments in the municipalities where such sex offender intends to live and work and where the offense was committed and to the Federal Bureau of Investigation. The sex offender shall be informed by, and shall acknowledge in writing to, the agency which has custody of the sex offender of the duty to register, to verify registration information and to give notice of change of address or intended change of address and the penalties for failure to do so and for giving false registration information, and of his right to submit to the board, according to section 178L, documentary evidence relative to his risk of reoffense, the degree of dangerousness posed to the public and his duty to register under this section. If such sex offender is a juvenile at the time of such notification, notification shall also be mailed to such sex offender's legal guardian or agency having custody of the juvenile in the absence of a legal guardian, and his most recent attorney of record. A sex offender shall, within two days of receiving such notice, register by mailing to the board on a form approved by the board and signed under the pains and penalties of perjury, the sex offender's name, home address or intended home address, work address or intended work address.

(c) Any court which enters a conviction for a sex offense or adjudication as a youthful offender or as a delinquent juvenile by reason of a sex offense, but does not impose a sentence of confinement of 90 days or more to be served immediately shall inform the sex offender and require the sex offender to acknowledge, in writing, his duty to register, to verify registration information and to give notice of change of address or intended change of address and the penalties for failure to do so and for giving false registration information, and of his right to submit to the board, according to section 178L, documentary evidence relative to his risk of reoffense, the degree of dangerousness posed to the public and of his duty to register under this section. If such sex offender is a juvenile at the time of such adjudication, the legal guardian or agency having custody of the juvenile and his most recent attorney of record shall also be required to acknowledge, in writing, such information. The court shall cause such sex offender's registration data which, for purposes of this paragraph,

shall include identifying factors, anticipated future residence, offense history and documentation of any treatment received for a mental abnormality to be transmitted to the board within five days of sentencing. The board shall promptly transmit the registration data to the police departments in the municipalities where such sex offender intends to live and work and where the offense was committed and to the Federal Bureau of Investigation. A sex offender shall, within two days of receiving such notice or of release from confinement, whichever is later, register by mailing to the board on a form approved by the board and signed under the pains and penalties of perjury, the sex offender's name, home address or intended home address, work address or intended work address.

(d) Any court which accepts a plea for a sex offense shall inform the sex offender prior to acceptance and require the sex offender to acknowledge, in writing, that such plea may result in such sex offender being subject to the provisions of sections 178C to 178P, inclusive. Failure to so inform the sex offender shall not be grounds to vacate or invalidate the plea.

(e) Upon written motion of the commonwealth, a court which enters a conviction or adjudication of delinquent or as a youthful offender may, at the time of sentencing, having determined that the circumstances of the offense in conjunction with the offender's criminal history does not indicate a risk of reoffense or a danger to the public, find that a sex offender shall not be required to register under sections 178C to 178P, inclusive. Such motion by the commonwealth shall state the reasons for such motion with specificity. The court may not make such a finding if the sex offender has been determined to be a sexually violent predator; has been convicted of two or more sex offenses defined as sex offenses pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. section 14071, committed on different occasions; has been convicted of a sex offense involving a child or a sexually violent offense; or if the sex offender is otherwise subject to minimum or lifetime registration requirements as determined by the board pursuant to section 178D.

(f) In the case of a sex offender who has been convicted of a sex offense or adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense, on or after December 12, 1999, and who has not been sentenced to immediate confinement, the court shall, within 14 days of sentencing, determine whether the circumstances of the offense in conjunction with the offender's criminal history indicate that the sex offender does not pose a risk of reoffense or a danger to the public. If the court so determines, the court shall relieve such sex offender of the obligation to register under sections 178C to 178P, inclusive. The court may not make such a determination or finding if the sex offender has been determined to be a sexually violent predator; has been convicted of two or more sex offenses defined as sex offenses pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. section 14071, committed on different occasions; has been convicted of a sex offense involving a child or a sexually violent offense; or if the sex offender is otherwise subject to minimum or lifetime registration requirements as determined by the board pursuant to section 178D.

(g) A sex offender who moves into the commonwealth from another jurisdiction shall, within two days of moving into the commonwealth, register by mailing to the board on a form approved by the board and signed under the pains and penalties of perjury, the sex offender's name, home address or intended home address, work address or intended work address. The board shall transmit the registration data to the police department in the municipality where such sex offender intends to live and work and shall transmit the same to the Federal Bureau of Investigation.

(h) A sex offender required to register pursuant to sections 178C to 178P, inclusive, who intends to move to a different city or town within the commonwealth shall, not later than ten days prior to establishing such new residence, register by mailing to the board on a form approved by the board and signed under the pains and penalties of perjury, the sex offender's name, home address or intended home address, work address or intended work address. The board shall transmit notice of such change of address to the police departments in the municipalities where the sex offender last registered, where the sex offender intends to live and where the offense was committed and shall transmit the same to the Federal Bureau of Investigation. A sex offender required to register pursuant to said sections 178C to 178P, inclusive, who intends to change his address within a city or town shall notify the board in writing not later than ten days prior to establishing such new residence. The board shall transmit notice of the change of address to the police departments within such city or town, in the municipality where the offense was committed and to the Federal Bureau of Investigation.

(i) A sex offender required to register pursuant to sections 178C to 178P, inclusive, who intends to move out of the commonwealth shall notify the board not later than ten days before leaving the commonwealth. The board shall transmit notice of the change of address to the police departments in the municipalities where such sex offender last registered, where the offense was committed and to the Federal Bureau of Investigation. The board shall notify such sex offender of the duty to register in the new jurisdiction and shall forward a copy of his registration data to the appropriate law enforcement agency in such new jurisdiction.

(j) A sex offender required to register pursuant to sections 178C to 178P, inclusive, who intends to change his work address shall notify the board in writing not later than ten days prior to establishing the new work address. The board shall transmit notice of the change of address to the police department in the municipalities where such sex offender previously worked, where such sex offender intends to work, where such sex offender resides or intends to reside and where the offense was committed. The board shall transmit notice of the change of address to the Federal Bureau of Investigation.

(k) The registrar of motor vehicles shall inform a person applying for or renewing a license to operate a motor vehicle that he has a duty to register with the board if such person is a sex offender, pursuant to regulations established by the board.

(l) Except as hereinbefore provided, a sex offender residing or working in the commonwealth shall, within ten days of the effective date of this section, register by mailing to the board on a form approved by the board and signed under the pains and penalties of

perjury, the sex offender's name, home address or intended home address, work address or intended work address. The board shall promptly transmit the registration data to the police departments where the sex offender intends to live and work, where the offense was committed and to the Federal Bureau of Investigation. The board shall send written notification of the requirements of sections 178C to 178P, inclusive, to the last known address of all sex offenders residing in the commonwealth who, prior to the effective date of this section, have been released from all custody and supervision. If any such sex offender is a juvenile at the time of such notification, notification shall also be mailed to such sex offender's legal guardian or the agency having custody of the juvenile in the absence of a legal guardian and his most recent attorney of record.

(m) Upon registering, verifying registration information or giving notice of change of address or intended change of address under this section, a sex offender shall provide independent written verification of the address at which he is registered or, if changing address, will be registered.

(n) Registration data received by the board and disseminated to law enforcement pursuant to this section shall not be disseminated to the public except in accordance with sections 178I, 178J and 178K.

Section 178F. Except as provided in section 178F> for a sex offender finally classified by the board as a level 2 or a level 3 sex offender, a sex offender required to register pursuant to sections 178C to 178P, inclusive, shall annually verify that the registration data on file with the board remains true and accurate by mailing to the board on a form approved by the board and signed under the pains and penalties of perjury, the sex offender's name, home address and work address. A sex offender who lists a homeless shelter as his residence shall verify registration data every 90 days with the board by mailing to the board on a form approved by the board and signed under the pains and penalties of perjury the sex offender's name, home address and work address. A homeless shelter receiving state funding shall cooperate in providing information in the possession of or known to such shelter, when a request for information is made to such shelter by the board; provided, however, that such request for information shall be limited to that which is necessary to verify an offender's registration data or a sex offender's whereabouts. A shelter that violates the provisions of this paragraph shall be punished by a fine of \$100 a day for each day that such shelter continues to violate the provisions of this paragraph. In addition, in each subsequent year during the month of birth of any sex offender required to register, the board shall mail a nonforwardable verification form to the last reported address of such sex offender. If such sex offender is a juvenile at the time of such notification, notification shall also be mailed to such sex offender's legal guardian or the agency having custody of the juvenile in the absence of a legal guardian and his most recent attorney of record. Such sex offender shall, within five days of receipt, sign the verification form under the penalties of perjury and mail it back to the board. The board shall periodically, and at least annually, send written notice to a city or town police department regarding any sex offender required to register whose last known address was in such city or town or who gave notice of his intent

to move to or is otherwise believed to live or work in such city or town, but who has failed to register or verify registration information as required.

The board shall examine through electronic transfer of information the tax returns, wage reports, child support enforcement records, papers or other documents on file with the commissioner of revenue or any other entity within the executive branch when there is reason to believe a sex offender required to register has not so registered in accordance with this chapter or where the address of such sex offender cannot be verified through other means; provided, however, that nothing herein shall be construed to authorize the disclosure, directly or indirectly, of any information other than the address of such sex offender.

Section 178F½. A sex offender finally classified by the board as a level 2 or a level 3 sex offender who is required to register pursuant to sections 178C to 178P, inclusive, shall appear in person annually at the local police department in the city or town in which such sex offender lives, or if such sex offender does not reside in the commonwealth, in the city or town in which such sex offender works, to verify that the registration data on file remains true and accurate. At such time, the sex offender's photograph and fingerprints shall be updated. Such sex offender who has been determined to be a sexually violent predator under paragraph (c) of subsection (2) of section 178K shall also appear in person at such police department every 90 days to verify that the registration data on file remains true and accurate. Such sex offender who lists a homeless shelter as his residence shall appear in person at such local police department every 90 days to verify that the registration data on file remains true and accurate. A homeless shelter receiving state funding shall cooperate in providing information in the possession of or known to such shelter, when a request for information is made to such shelter by the board or such local police department; provided, however, that such request for information shall be limited to that which is necessary to verify an offender's registration data or a sex offender's whereabouts. A shelter that violates the provisions of this paragraph shall be punished by a fine of \$100 a day for each day that such shelter continues to violate the provisions of this paragraph. In addition, in each subsequent year during the month of birth of any sex offender required to register, the board shall mail a nonforwardable verification form to the last reported address of such sex offender. If such sex offender is a juvenile at the time of such notification, notification shall also be mailed to such sex offender's legal guardian or the agency having custody of the juvenile in the absence of a legal guardian and his most recent attorney of record. Such sex offender shall, within five days of receipt, sign the verification form under the penalties of perjury and register in person at the police department in the municipality in which such sex offender lives, or if such sex offender does not reside in the commonwealth, in the city or town in which such sex offender works. The board shall periodically, and at least annually, send written notice to a city or town police department regarding any sex offender required to register whose last known address was in such city or town or who gave notice of his intent to move to or is otherwise believed to live or work in such city or town, but who has failed to register or verify registration information as required. A sex offender finally classified as a level 2 or level 3 offender shall also comply with the provisions of paragraphs (g) to (j), inclusive, of section

178E, but the offender shall give the required notice in person at the police department in the city or town where such sex offender resides, or if such sex offender does not reside in the commonwealth, in the city or town in which such sex offender works.

The board shall examine through electronic transfer of information the tax returns, wage reports, child support enforcement records, papers or other documents on file with the commissioner of revenue or any other entity within the executive branch when there is reason to believe a sex offender required to register has not so registered in accordance with this chapter or where the address of such sex offender cannot be verified through other means; provided, however, that nothing herein shall be construed to authorize the disclosure, directly or indirectly, of any information other than the address of such sex offender.

Section 178G. The duty of a sex offender required to register pursuant to this chapter and to comply with the requirements hereof shall, unless sooner terminated by the board under section 178L, end 20 years after such sex offender has been convicted or adjudicated or has been released from all custody or supervision, whichever last occurs, unless such sex offender was convicted of two or more sex offenses defined as sex offenses pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. section 14071, committed on different occasions, has been convicted of a sexually violent offense; has been determined by the sentencing court to be a sexually violent predator, or if such sex offender is otherwise subject to lifetime registration requirements as determined by the board pursuant to section 178D, in which cases the duty to register shall never be terminated. A person required to register with the sex offender registry board may make an application to said board to terminate the obligation upon proof, by clear and convincing evidence, that the person has not committed a sex offense within ten years following conviction, adjudication or release from all custody or supervision, whichever is later, and is not likely to pose a danger to the safety of others. For so long as such sex offender is under a duty to register in the commonwealth or in any other state where the offender resides or would be under such a duty if residing in the commonwealth, such sex offender shall not be entitled to relief under the provisions of section 100A or 100B of chapter 276. An offender determined by the sentencing court to be a sexually violent predator may, not earlier than ten years after such determination, file a motion in the sentencing court for a determination whether he remains a sexually violent predator. The court shall notify and obtain a report from the board and the burden shall be on such sex offender to demonstrate to the court by clear and convincing evidence that he is no longer a sexually violent predator. Any subsequent conviction for a sex offense or act of domestic violence shall be prima facie evidence that the offender is still a sexually violent predator. The board shall notify the victim and the district attorney in the county where such sex offender resides and, if different, where such sex offender works and where such sex offender was prosecuted and provide the victim and district attorney with the opportunity to respond to such application.

Section 178H. (a) A sex offender required to register pursuant to this chapter who knowingly: (i) fails to register; (ii) fails to verify registration information; (iii) fails to provide notice of a change of address; or (iv) who knowingly provides false information shall be punished in accordance with this section.

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(1) A first conviction under this subsection shall be punished by imprisonment for not less than six months and not more than two and one-half years in a house of correction nor more than five years in a state prison or by a fine of not more than \$1,000 or by both such fine and imprisonment.

(2) A second and subsequent conviction under this subsection shall be punished by imprisonment in the state prison for not less than five years.

(b) Violations of this section may be prosecuted and punished in any county where the offender knowingly: (i) fails to register; (ii) fails to verify registration information; (iii) fails to provide notice of a change of address; or (iv) knowingly provides false information.

(c) Any offender who lists a homeless shelter as his residence pursuant to sections 178C to 178P, inclusive, and who violates the provisions of subsection (a) shall, for a first conviction, be punished by imprisonment for not more than 30 days in a house of correction; for a second conviction, be punished by imprisonment for not more than two and one-half years in a house of correction nor more than five years in a state prison or by a fine of not more than \$1,000, or by both such fine and imprisonment; and for a third and subsequent conviction, be punished by imprisonment in a state prison for not less than five years; provided, however, that the sentence imposed for such third or subsequent conviction shall not be reduced to less than five years, nor suspended, nor shall any person sentenced herein be eligible for probation, parole, work release or furlough, or receive any deduction from his sentence for good conduct until he shall have served five years. Prosecutions commenced hereunder shall neither be continued without a finding nor placed on file.

Section 178I. Any person who is 18 years of age or older and who states that he is requesting sex offender registry information for his own protection or for the protection of a child under the age of 18 or another person for whom the requesting person has responsibility, care or custody shall receive at no cost from the board a report to the extent available pursuant to sections 178C to 178P, inclusive, which indicates whether an individual identified by name, date of birth or sufficient personal identifying characteristics is a sex offender with an obligation to register pursuant to this chapter, the offenses for which he was convicted or adjudicated and the dates of such convictions or adjudications. Any records of inquiry shall be kept confidential, except that the records may be disseminated to assist or defend in a criminal prosecution.

Information about an offender shall be made available pursuant to this section only if the offender is a sex offender who has been finally classified by the board as a level 2 or level 3 sex offender.

All reports to persons making inquiries shall include a warning regarding the criminal penalties for use of sex offender registry information to commit a crime or to engage in illegal discrimination or harassment of an offender and the punishment for threatening to commit a crime under section 4 of chapter 275.

The board shall not release information identifying the victim by name, address or relation to the offender.

Section 178J. (a) A person who requests sex offender registry information shall:

- (1) be 18 years of age or older;
- (2) appear in person at a city or town police station and present proper identification;
- (3) require sex offender registry information for his own protection or for the protection of a child under the age of 18 or another person for whom such inquirer has responsibility, care or custody, and so state; and

(4) complete and sign a record of inquiry, designed by the board, which shall include the following information: the name and address of the person making the inquiry, the person or geographic area or street which is the subject of the inquiry, the reason for the inquiry and the date and time of the inquiry.

Such records of inquiries shall include a warning regarding the criminal penalties for use of sex offender registry information to commit a crime or to engage in illegal discrimination or harassment of an offender and the punishment for threatening to commit a crime under the provisions of section 4 of chapter 275. Such records of inquiries shall state, before the signature of the inquirer, as follows: "I understand that the sex offender registry information disclosed to me is intended for my own protection or for the protection of a child under the age of 18 or another person for whom I have responsibility, care or custody." Such records of inquiries shall be kept confidential, except that such records may be disseminated to assist in a criminal prosecution.

(b) The person making the inquiry may either:

(1) identify a specific individual by name or provide personal identifying information sufficient to allow the police to identify the subject of the inquiry; or

(2) inquire whether any sex offenders live or work within the same city or town at a specific address including, but not limited to, a residential address, a business address, school, after-school program, day care center, playground, recreational area or other identified address and inquire in another city or town whether any sex offenders live or work within that city or town, upon a reasonable showing that the sex offender registry information is requested for his own protection or for the protection of a child under the age of 18 or another person for whom the inquirer has responsibility, care or custody; or

(3) inquire whether any sex offenders live or work on a specific street within the city or town in which such inquiry is made.

(c) If the search of the sex offender registry results in the identification of a sex offender required to register pursuant to this chapter who has been finally classified by the board as a level 2 or level 3 offender under section 178K, the police shall disseminate to the person making the inquiry:

(1) the name of the sex offender;

(2) the home address if located in the areas described in clause (2) or (3) of subsection (b);

(3) the work address if located in the areas described in said clause (2) or (3) of said subsection (b);

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(4) the offense for which he was convicted or adjudicated and the dates of such conviction or adjudication;

(5) the sex offender's age, sex, race, height, weight, eye and hair color; and

(6) a photograph of the sex offender, if available.

The police shall not release information identifying the victim by name, address or the victim's relation to the offender.

Section 178K. (1) There shall be, in the criminal history systems board, but not subject to its jurisdiction, a sex offender registry board which shall consist of seven members who shall be appointed by the governor for terms of six years, with the exception of the chairman, and who shall devote their full time during business hours to their official duties. The board shall include one person with experience and knowledge in the field of criminal justice who shall act as chairman; at least two licensed psychologists or psychiatrists with special expertise in the assessment and evaluation of sex offenders and who have knowledge of the forensic mental health system; at least one licensed psychologist or psychiatrist with special expertise in the assessment and evaluation of sex offenders, including juvenile sex offenders and who has knowledge of the forensic mental health system; at least two persons who have at least five years of training and experience in probation, parole or corrections; and at least one person who has expertise or experience with victims of sexual abuse. Members shall be compensated at a reasonable rate subject to approval of the secretary of administration and finance.

The chairman shall be appointed by and serve at the pleasure of the governor and shall be the executive and administrative head of the sex offender registry board, shall have the authority and responsibility for directing assignments of members of said board and shall be the appointing and removing authority for members of said board's staff. In the case of the absence or disability of the chairman, the governor may designate one of the members to act as chairman during such absence or disability. The chairman shall, subject to appropriation, establish such staff positions and employ such administrative, research, technical, legal, clerical and other personnel and consultants as may be necessary to perform the duties of said board. Such staff positions shall not be subject to section 9A of chapter 30 or chapter 31.

The governor shall fill any vacancy for the unexpired term. As long as there are four sitting members, a vacancy shall not impair the right of the remaining members to exercise the powers of the board.

The sex offender registry board shall promulgate guidelines for determining the level of risk of reoffense and the degree of dangerousness posed to the public or for relief from the obligation to register and shall provide for three levels of notification depending on such risk of reoffense and the degree of dangerousness posed to the public; apply the guidelines to assess the risk level of particular offenders; develop guidelines for use by city and town police departments in disseminating sex offender registry information; devise a plan, in cooperation with state and local law enforcement authorities and other appropriate agencies, to locate and verify the current addresses of sex offenders including, subject to appropriation, entering into contracts or interagency agreements for such purposes; and conduct hearings

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as provided in section 178L. The attorney general and the chief counsel of the committee for public counsel services, or their designees, shall assist in the development of such guidelines. Factors relevant to the risk of reoffense shall include, but not be limited to, the following:

(a) criminal history factors indicative of a high risk of reoffense and degree of dangerousness posed to the public, including:

(i) whether the sex offender has a mental abnormality;

(ii) whether the sex offender's conduct is characterized by repetitive and compulsive behavior;

(iii) whether the sex offender was an adult who committed a sex offense on a child;

(iv) the age of the sex offender at the time of the commission of the first sex offense;

(v) whether the sex offender has been adjudicated to be a sexually dangerous person pursuant to section 14 of chapter 123A or is a person released from civil commitment pursuant to section 9 of said chapter 123A; and

(vi) whether the sex offender served the maximum term of incarceration;

(b) other criminal history factors to be considered in determining risk and degree of dangerousness, including:

(i) the relationship between the sex offender and the victim;

(ii) whether the offense involved the use of a weapon, violence or infliction of bodily injury;

(iii) the number, date and nature of prior offenses;

(c) conditions of release that minimize risk of reoffense and degree of dangerousness posed to the public, including whether the sex offender is under probation or parole supervision, whether such sex offender is receiving counseling, therapy or treatment and whether such sex offender is residing in a home situation that provides guidance and supervision, including sex offender-specific treatment in a community-based residential program;

(d) physical conditions that minimize risk of reoffense including, but not limited to, debilitating illness;

(e) whether the sex offender was a juvenile when he committed the offense, his response to treatment and subsequent criminal history;

(f) whether psychological or psychiatric profiles indicate a risk of recidivism;

(g) the sex offender's history of alcohol or substance abuse;

(h) the sex offender's participation in sex offender treatment and counseling while incarcerated or while on probation or parole and his response to such treatment or counseling;

(i) recent behavior, including behavior while incarcerated or while supervised on probation or parole;

(j) recent threats against persons or expressions of intent to commit additional offenses;

(k) review of any victim impact statement; and

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(1) review of any materials submitted by the sex offender, his attorney or others on behalf of such offender.

(2) The guidelines shall provide for three levels of notification depending on the degree of risk of reoffense and the degree of dangerousness posed to the public by the sex offender or for relief from the obligation to register:

(a) Where the board determines that the risk of reoffense is low and the degree of dangerousness posed to the public is not such that a public safety interest is served by public availability, it shall give a level 1 designation to the sex offender. In such case, the board shall transmit the registration data and designation to the police departments in the municipalities where such sex offender lives and works or, if in custody, intends to live and work upon release and where the offense was committed and to the Federal Bureau of Investigation. The police shall not disseminate information to the general public identifying the sex offender where the board has classified the individual as a level 1 sex offender. The police may, however, release such information identifying such sex offender to the department of correction, any county correctional facility, the department of youth services, the department of social services, the parole board, the department of probation and the department of mental health, all city and town police departments and the Federal Bureau of Investigation.

(b) Where the board determines that the risk of reoffense is moderate and the degree of dangerousness posed to the public is such that a public safety interest is served by public availability of registration information, it shall give a level 2 designation to the sex offender. In such case, the board shall transmit the registration data and designation to the police departments in the municipalities where the sex offender lives and works or, if in custody, intends to live and work upon release and where the offense was committed and to the Federal Bureau of Investigation. The public shall have access to the information regarding a level 2 offender in accordance with the provisions of sections 178I and 178J. The sex offender shall be required to register and to verify registration information pursuant to section 178F½.

(c) Where the board determines that the risk of reoffense is high and the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active dissemination, it shall give a level 3 designation to the sex offender. In such case, the board shall transmit the registration data and designation to the police departments in the municipalities where the sex offender lives and works or, if in custody, intends to live and work upon release and where the offense was committed and to the Federal Bureau of Investigation. A level 3 community notification plan shall require the police department to notify organizations in the community which are likely to encounter such sex offender and individual members of the public who are likely to encounter such sex offender. The sex offender shall be required to register and to verify registration information pursuant to sections 178F>. Neighboring police districts shall share sex offender registration information of level 3 offenders and may inform the residents of their municipality of a sex offender they

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are likely to encounter who resides in an adjacent city or town. The police or the board shall actively disseminate in such time and manner as such police department or board deems reasonably necessary the following information:

- (i) the name of the sex offender;
- (ii) the offender's home address;
- (iii) the offender's work address;
- (iv) the offense for which the offender was convicted or adjudicated and the date of the conviction or adjudication;
- (v) the sex offender's age, sex, race, height, weight, eye and hair color; and
- (vi) a photograph of the sex offender, if available; provided, however, that the police or the board shall not release information identifying the victim by name, address or relation to the sex offender. All notices to the community shall include a warning regarding the criminal penalties for use of sex offender registry information to commit a crime or to engage in illegal discrimination or harassment of an offender and the punishment for threatening to commit a crime under section 4 of chapter 275.

The public shall have access to the information regarding a level 3 offender in accordance with sections 178I and 178J.

If the board, in finally giving an offender a level 3 classification, also concludes that such sex offender should be designated a sexually violent predator, the board shall transmit a report to the sentencing court explaining the board's reasons for so recommending, including specific identification of the sexually violent offense committed by such sex offender and the mental abnormality from which he suffers. The report shall not be subject to judicial review under section 178M. Upon receipt from the board of a report recommending that a sex offender be designated a sexually violent predator, the sentencing court, after giving such sex offender an opportunity to be heard and informing the sex offender of his right to have counsel appointed, if he is deemed to be indigent in accordance with section 2 of chapter 211D, shall determine, by a preponderance of the evidence, whether such sex offender is a sexually violent predator. An attorney employed or retained by the board may make an appearance, subject to section 3 of chapter 12, to defend the board's recommendation. The board shall be notified of the determination. A determination that a sex offender should not be designated a sexually violent predator shall not invalidate such sex offender's classification. Where the sentencing court determines that such sex offender is a sexually violent predator, dissemination of the sexually violent predator's registration data shall be in accordance with a level 3 community notification plan; provided, however, that such dissemination shall include such sex offender's designation as a sexually violent predator.

(d) The board may, upon making specific written findings that the circumstances of the offense in conjunction with the offender's criminal history do not indicate a risk of reoffense or a danger to the public and the reasons therefor, relieve such sex offender of any further obligation to register, shall remove such sex offender's registration information from

the registry and shall so notify the police departments where said sex offender lives and works or if in custody intends to live and work upon release, and where the offense was committed and the Federal Bureau of Investigation. In making such determination the board shall consider factors, including but not limited to, the presence or absence of any physical harm caused by the offense and whether the offense involved consensual conduct between adults. The burden of proof shall be on the offender to prove he comes within the provisions of this subsection. The provisions of this subsection shall not apply if a sex offender has been determined to be a sexually violent predator; has been convicted of two or more sex offenses defined as sex offenses pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. section 14071, committed on different occasions; or has been convicted of a sexually violent offense. The provisions of this subsection shall also not apply if a sex offender has been convicted of a sex offense involving a child or a sexually violent offense, and such offender has not already registered pursuant to this chapter for at least ten years, or if the sex offender is otherwise subject to lifetime or minimum registration requirements as determined by the board pursuant to section 178D.

(3) The sex offender registry board shall make a determination regarding the level of risk of reoffense and the degree of dangerousness posed to the public of each sex offender listed in said sex offender registry and shall give immediate priority to those offenders who have been convicted of a sex offense involving a child or convicted or adjudicated as a delinquent juvenile or as a youthful offender by reason of a sexually violent offense or of a sex offense of indecent assault and battery upon a mentally retarded person pursuant to section 13F of chapter 265, and who have not been sentenced to incarceration for at least 90 days, followed, in order of priority, by those sex offenders who (1) have been released from incarceration within the past 12 months, (2) are currently on parole or probation supervision, and (3) are scheduled to be released from incarceration within six months. All agencies shall cooperate in providing files to the sex offender registry board and any information the sex offender registry board deems useful in providing notice under sections 178C to 178P, inclusive, and in assessing the risk of reoffense and the degree of dangerousness posed to the public by the sex offender. All agencies from which registration data, including data within the control of providers under contract to such agencies, is requested by the sex offender registry board shall make such data available to said board immediately upon request. Failure to comply in good faith with such a request within 30 days shall be punishable by a fine of not more than \$1,000 per day.

Section 178L. (1) Upon review of any information useful in assessing the risk of reoffense and the degree of dangerousness posed to the public by the sex offender, including materials described in the board guidelines and any materials submitted by the sex offender, the board shall prepare a recommended classification of each offender. Such recommendation may be made by board staff members upon written approval by one board member; provided, however, that if the sex offender was a juvenile at the time of the offense, written approval must be given by a board member who is a licensed psychologist or psychiatrist with special expertise in the assessment and evaluation of juvenile sex offenders.

(a) Not less than 60 days prior to the release or parole of a sex offender from custody or incarceration, the board shall notify the sex offender of his right to submit to the board documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to the public and his duty to register according to the provisions of section 178E. If the sex offender is a juvenile at the time of such notification, notification shall also be mailed to the sex offender's legal guardian or agency having custody of the juvenile in the absence of a legal guardian and his most recent attorney of record. Such sex offender may submit such evidence to the board within 30 days of receiving such notice from the board. Upon a reasonable showing, the board may extend the time in which such sex offender may submit such documentary evidence. Upon reviewing such evidence, the board shall promptly notify the sex offender of the board's recommended sex offender classification, his duty to register, if any, his right to petition the board to request an evidentiary hearing to challenge such classification and duty, his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the board using the standards under chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding. Such sex offender shall petition the board for such hearing within 20 days of receiving such notice. The board shall conduct such hearing in a reasonable time according to the provisions of subsection (2). The failure timely to petition the board for such hearing shall result in a waiver of such right and the registration requirements, if any, and the board's recommended classification shall become final.

(b) The district attorney for the county where such sex offender was prosecuted may, within ten days of a conviction or adjudication of a sexually violent offense, file a motion with the board to make an expedited recommended classification upon a showing that such sex offender poses a grave risk of imminent reoffense. If the petition is granted, the board shall make such recommendation within ten days of the expiration of the time to submit documentary evidence. If the petition is not granted, the board shall make such recommended classification as otherwise provided in this section.

(c) In the case of any sex offender not in custody, upon receiving registration data from the agency, the police department at which the sex offender registered, the sentencing court or by any other means, the board shall promptly notify the sex offender of his right to submit to the board documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to the public and his duty to register, if any, according to section 178E. If such sex offender is a juvenile at the time of such notification, notification shall also be mailed to such sex offender's legal guardian or agency having custody of the juvenile in the absence of a legal guardian and his most recent attorney of record. Such sex offender may submit such evidence to the board within 30 days of receiving such notice from the board. Upon a reasonable showing, the board may extend the time in which a sex offender may submit such documentary evidence. Upon reviewing such evidence, the board shall promptly

notify such sex offender of the board's recommended sex offender classification, his duty to register, if any, and his right to petition the board to request an evidentiary hearing to challenge such classification and duty, his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the board using the standards under chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding. Such sex offender shall petition the board for such hearing within 20 days of receiving such notice. The board shall conduct such hearing in a reasonable time according to the provisions of subsection (2). The failure timely to petition the board for such hearing shall result in a waiver of such right and the registration requirements, if any, and the board's recommended classification shall become final.

(2) If an offender requests a hearing in accordance with subsection (1), the chair may appoint a member, a panel of three board members or a hearing officer to conduct the hearing, according to the standard rules of adjudicatory procedure or other rules which the board may promulgate, and to determine by a preponderance of evidence such sex offender's duty to register and final classification. The board shall inform offenders requesting a hearing under the provisions of subsection (1) of their right to have counsel appointed if a sex offender is deemed to be indigent as determined by the board using the standards under chapter 211D. If the sex offender does not so request a hearing, the recommended classification and determination of duty to register shall become the board's final classification and determination and shall not be subject to judicial review. All offenders who are juveniles at the time of notification shall be represented by counsel at the hearing.

Section 178M. An offender may seek judicial review, in accordance with section 14 of chapter 30A, of the board's final classification and registration requirements. The court shall, if requested, appoint counsel to represent the sex offender in the proceedings if such sex offender is deemed indigent in accordance with section 2 of chapter 211D. An attorney employed or retained by the board may make an appearance, subject to section 3 of chapter 12, to defend the board's decision. The court shall reach its final decision within 60 days of such sex offender's petition for review. The court shall keep proceedings conducted pursuant to this paragraph and records from such proceedings confidential and such proceedings and records shall be impounded, but the filing of an action under this section shall not stay the effect of the board's final classification.

Section 178N. Information contained in the sex offender registry shall not be used to commit a crime against a sex offender or to engage in illegal discrimination or harassment of an offender. Any person who uses information disclosed pursuant to the provisions of sections 178C to 178P, inclusive, for such purpose shall be punished by not more than two and one-half years in a house of correction or by a fine of not more than \$1,000 or by both such fine and imprisonment.

Section 178 O. Police officials and other public employees acting in good faith shall not be liable in a civil or criminal proceeding for any dissemination of sex offender registry information or for any act or omission pursuant to the provisions of sections 178C to 178P, inclusive.

Section 178P. Whenever a police officer has probable cause to believe that a sex offender has failed to comply with the registration requirements of sections 178C to 178P, inclusive, such officer shall have the right to arrest such sex offender without a warrant and to keep such sex offender in custody.

SECTION 3. Section 1 of chapter 123A of the General Laws, as so appearing, is hereby amended by inserting before the definition of "Community access board" the following definition:-

"Agency with jurisdiction", the agency with the authority to direct the release of a person presently incarcerated, confined or committed to the department of youth services including, but not limited to a sheriff, keeper, master or superintendent of a jail, house of correction or prison, the director of a custodial facility in the department of youth services, the parole board and, where a person has been found incompetent to stand trial, a district attorney.

SECTION 4. Said section 1 of said chapter 123A, as so appearing, is hereby further amended by inserting after the definition of "Community Access Program" the following two definitions:-

"Mental abnormality", a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

"Personality disorder", a congenital or acquired physical or mental condition that results in a general lack of power to control sexual impulses.

SECTION 5. Said section 1 of said chapter 123A, as so appearing, is hereby further amended by inserting after the word "sixty-five", in line 32, the following words:- ; assault on a child with intent to commit rape under section 24B of chapter 265; drugging persons for sexual intercourse under section 3 of chapter 272.

SECTION 6. Said section 1 of said chapter 123A, as so appearing, is hereby further amended by striking out the definition of "Sexually dangerous person" and inserting in place thereof the following definition:-

"Sexually dangerous person", any person who has been (i) convicted of or adjudicated as a delinquent juvenile or youthful offender by reason of a sexual offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in sexual offenses if not confined to a secure facility; (ii) charged with a sexual offense and was determined to be incompetent to stand trial and who suffers from a mental abnormality or personality disorder which makes such person likely to engage in sexual offenses if not confined to a secure facility; or (iii) previously adjudicated as such by a court of the commonwealth and whose misconduct in sexual matters indicates a general lack of power

to control his sexual impulses, as evidenced by repetitive or compulsive sexual misconduct by either violence against any victim, or aggression against any victim under the age of 16 years, and who, as a result, is likely to attack or otherwise inflict injury on such victims because of his uncontrolled or uncontrollable desires.

SECTION 7. The first paragraph of section 6A of said chapter 123A, as so appearing, is hereby amended by adding the following sentence:- Any juvenile who is committed as a sexually dangerous person to the treatment center or a branch thereof under the provisions of this chapter shall be segregated from any adults held at such facility.

SECTION 8. Said chapter 123A, as so appearing, is hereby further amended by adding the following five sections:-

Section 12. (a) Any agency with jurisdiction of a person who has been convicted of or adjudicated as a delinquent juvenile or a youthful offender by reason of a sexual offense as defined in section 1 or who has been charged with such offense but has been found incompetent to stand trial shall notify in writing the district attorney of the county where the offense occurred and the attorney general six months prior to the release of such person, except that in the case of a person who is returned to prison for no more than six months as a result of a revocation of parole or who is committed for no more than six months, such notice shall be given as soon as practicable following such person's admission to prison. In such notice, the agency with jurisdiction shall also identify those prisoners or youths who have a particularly high likelihood of meeting the criteria for a sexually dangerous person.

(b) When the district attorney or the attorney general determines that the prisoner or youth in the custody of the department of youth services is likely to be a sexually dangerous person as defined in section 1, the district attorney or the attorney general at the request of the district attorney may file a petition alleging that the prisoner or youth is a sexually dangerous person and stating sufficient facts to support such allegation in the superior court where the prisoner or youth is committed or in the superior court of the county where the sexual offense occurred.

(c) Upon the filing of a petition under this section, the court in which the petition was filed shall determine whether probable cause exists to believe that the person named in the petition is a sexually dangerous person. Such person shall be provided with notice of, and an opportunity to appear in person at, a hearing to contest probable cause.

(d) At the probable cause hearing, the person named in the petition shall have the following rights:

- (1) to be represented by counsel;
- (2) to present evidence on such person's behalf;
- (3) to cross-examine witnesses who testify against such person; and
- (4) to view and copy all petitions and reports in the court file.

(e) If the person named in the petition is scheduled to be released from jail, house of correction, prison or a facility of the department of youth services at any time prior to the court's probable cause determination, the court, upon a sufficient showing based on the evidence before the court at that time, may temporarily commit such person to the treatment

center pending disposition of the petition. The person named in the petition may move the court for relief from such temporary commitment at any time prior to the probable cause determination.

Section 13. (a) If the court is satisfied that probable cause exists to believe that the person named in the petition is a sexually dangerous person, the prisoner or youth shall be committed to the treatment center for a period not exceeding 60 days for the purpose of examination and diagnosis under the supervision of two qualified examiners who shall, no later than 15 days prior to the expiration of said period, file with the court a written report of the examination and diagnosis and their recommendation of the disposition of the person named in the petition.

(b) The court shall supply to the qualified examiners copies of any juvenile and adult court records which shall contain, if available, a history of previous juvenile and adult offenses, previous psychiatric and psychological examinations and such other information as may be pertinent or helpful to the examiners in making the diagnosis and recommendation. The district attorney or the attorney general shall provide a narrative or police reports for each sexual offense conviction or adjudication as well as any psychiatric, psychological, medical or social worker records of the person named in the petition in the district attorney's or the attorney general's possession. The agency with jurisdiction over the person named in the petition shall provide such examiners with copies of any incident reports arising out of the person's incarceration or custody.

(c) The person named in the petition shall be entitled to counsel and, if indigent, the court shall appoint an attorney. All written documentation submitted to the two qualified examiners shall also be provided to counsel for the person named in the petition and to the district attorney and attorney general.

(d) Any person subject to an examination pursuant to the provisions of this section may retain a psychologist or psychiatrist who meets the requirements of a qualified examiner, as defined in section 1, to perform an examination on his behalf. If the person named in the petition is indigent, the court shall provide for such qualified examiner.

Section 14. (a) The district attorney or the attorney general at the request of the district attorney may petition the court for a trial which shall be by jury unless affirmatively waived by the person named in the petition. Such petition shall be made within 14 days of the filing of the report of the two qualified examiners. If such petition is timely filed within the allowed time, the court shall notify the person named in the petition and his attorney, the district attorney and the attorney general that a trial by jury will be held within 60 days to determine whether such person is a sexually dangerous person. The trial may be continued upon motion of either party for good cause shown or by the court on its own motion if the interests of justice so require, unless the person named in the petition will be substantially prejudiced thereby. The person named in the petition shall be confined to a secure facility for the duration of the trial.

(b) The person named in the petition shall be entitled to the assistance of counsel and

shall be entitled to have counsel appointed if he is indigent in accordance with section 2 of chapter 211D. In addition, the person named in the petition may retain experts or professional persons to perform an examination on his behalf. Such experts or professional persons shall be permitted to have reasonable access to such person for the purpose of the examination as well as to all relevant medical and psychological records and reports of the person named in the petition. If the person named in the petition is indigent under said section 2 of said chapter 211D, the court shall, upon such person's request, determine whether the expert or professional services are necessary and shall determine reasonable compensation for such services. If the court so determines, the court shall assist the person named in the petition in obtaining an expert or professional person to perform an examination and participate in the trial on such person's behalf. The court shall approve payment for such services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred and compensation received in the same case or for the same services from any other source. The court shall inform the person named in the petition of his rights under this section before the trial commences. The person named in the petition shall be entitled to have process issued from the court to compel the attendance of witnesses on his behalf. If such person intends to rely upon the testimony or report of his qualified examiner, the report must be filed with the court and a copy must be provided to the district attorney and attorney general no later than ten days prior to the scheduled trial.

(c) Juvenile and adult court probation records, psychiatric and psychological records and reports of the person named in the petition, including the report of any qualified examiner, as defined in section 1, and filed under this chapter, police reports relating to such person's prior sexual offenses, incident reports arising out of such person's incarceration or custody, oral or written statements prepared for and to be offered at the trial by the victims of the person who is the subject of the petition and any other evidence tending to show that such person is or is not a sexually dangerous person shall be admissible at the trial if such written information has been provided to opposing counsel reasonably in advance of trial.

(d) If after the trial, the jury finds unanimously and beyond a reasonable doubt that the person named in the petition is a sexually dangerous person, such person shall be committed to the treatment center or, if such person is a youth who has been adjudicated as a delinquent, to the department of youth services until he reaches his twenty-first birthday, and then to the treatment center for an indeterminate period of a minimum of one day and a maximum of such person's natural life until discharged pursuant to the provisions of section 9. The order of commitment, which shall be forwarded to the treatment center and to the appropriate agency with jurisdiction, shall become effective on the date of such person's parole or in all other cases, including persons sentenced to community parole supervision for life pursuant to section 133C of chapter 127, on the date of discharge from jail, the house of correction, prison or facility of the department of youth services.

(e) If the person named in the petition is scheduled to be released from jail, house of correction, prison or a facility of the department of youth services at any time prior to the

final judgment, the court may temporarily commit such person to the treatment center pending disposition of the petition.

Section 15. If a person who has been charged with a sexual offense has been found incompetent to stand trial and his commitment is sought and probable cause has been determined to exist pursuant to section 12, the court, without a jury, shall hear evidence and determine whether the person did commit the act or acts charged. The hearing on the issue of whether the person did commit the act or acts charged shall comply with all procedures specified in section 14, except with respect to trial by jury. The rules of evidence applicable in criminal cases shall apply and all rights available to criminal defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence the court shall make specific findings relative to whether the person did commit the act or acts charged; the extent to which the cause of the person's incompetence to stand trial affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his own behalf; the extent to which the evidence could be reconstructed without the assistance of the person; and the strength of the prosecution's case. If the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, subject to appeal by the person named in the petition and the court may proceed to consider whether the person is a sexually dangerous person according to the procedures set forth in sections 13 and 14. Any determination made under this section shall not be admissible in any subsequent criminal proceeding.

Section 16. The department of correction and the department of youth services shall annually prepare reports describing the treatment offered to each person who has been committed to the treatment center or the department of youth services as a sexually dangerous person and, without disclosing the identity of such persons, describe the treatment provided. The annual reports shall be submitted, on or before January 1, 2000 and every November 1 thereafter, to the clerk of the house of representatives and the clerk of the senate, who shall forward the same to the house and senate committees on ways and means and to the joint committee on criminal justice. The treatment center shall submit on or before December 12, 1999 its plan for the administration and management of the treatment center to the clerk of the house of representatives and the clerk of the senate, who shall forward the same to the house and senate committees on ways and means and to the joint committee on criminal justice. The treatment center shall promptly notify said committees of any modifications to said plan.

SECTION 9. Chapter 127 of the General Laws is hereby amended by inserting after section 133C, as so appearing, the following section:-

Section 133D. (a) A person upon whom a sentence of community parole supervision for life has been imposed under section 45 of chapter 265 shall be subject to the jurisdiction of the parole board for the term of such sentence.

Except as otherwise provided in this section, a person serving such sentence of community parole supervision for life shall be subject to the provisions of law governing parole as if such person were a parolee. The parole board shall impose terms and conditions

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for such sentence within 30 days prior to the commencement of community parole supervision. Such terms and conditions may be revised, altered and amended by the parole board at any time.

A person under community parole supervision for life shall be under the jurisdiction, supervision and control of the parole board in the same manner as a person under parole supervision. The board is authorized to establish such conditions of community parole supervision for life, on an individual basis, as may be necessary to ensure public safety. Such conditions may include protecting the public from such person committing a sex offense or kidnapping as well as promoting the rehabilitation of such person. Such conditions shall include sex offender treatment with a recognized treatment provider in the field for as long as the board deems necessary, and compliance with the requirements of sections 178C to 178P, inclusive, of chapter 6.

The board is authorized to impose and enforce a supervision and rehabilitation fee upon a person on community parole supervision. To the extent possible, without reducing a parolee's income to such an extent that the potential for successful community reintegration is diminished, the board shall set such fee in an amount that will substantially defray the cost of the community parole supervision program.

The board shall also establish a fee waiver procedure for hardship and indigency cases.

(b)(1) Notwithstanding the board's authority to issue a certificate of termination of sentence under section 130A, after a person sentenced to community parole supervision has been on such supervision for a period of 15 years, such person may petition the board for termination of community parole supervision. Such termination may only occur by a majority vote of all the members. Upon receiving such a petition, the board shall, within 60 days, conduct a hearing before the full membership. At least 30 days prior to a hearing on the petition, the board shall cause a criminal history check to be conducted and notify in writing the victims of the crime for which the sentence was imposed, the attorney general, the district attorney in whose district the sentence was imposed, the chief of police or head of the organized police department of the municipality in which the crime was committed and the chief of police or head of the organized police department of the municipality in which the parolee resides, of the person's petition for release from supervision. Such officials and victims shall be provided the opportunity to respond to such petition. Such officials and victims may appear in person or be represented or make written recommendations to the board, but failure of any or all of such officials to appear or make recommendations shall not delay the termination procedure.

If a victim is deceased at the time the hearing on termination of said sentence is scheduled, the deceased victim may be represented by his relatives in the following order: mother, father, spouse, child, grandchild, brother or sister, niece or nephew.

(2) Prior to the hearing, the petitioner shall be examined, personally interviewed and evaluated by a psychiatrist or licensed psychologist who is an expert in the field of sex offender treatment and who is approved by the board. The psychiatrist or psychologist shall

file with the board written reports of his examinations and diagnosis and his recommendation for the disposition of such petitioner. The petitioner's treatment while on community parole supervision shall be examined and considered by such psychiatrist or psychologist in such recommendation. Such reports shall be admissible in a hearing conducted pursuant to this section. If such petitioner refuses to be personally interviewed by such psychiatrist or psychologist, without good cause, such petitioner shall be deemed to have waived his right to a hearing on the petition and the petition shall be dismissed by the board. The cost of such examination and evaluation shall be the responsibility of the petitioner; provided, however, that the board shall establish procedures for cases of hardship or indigency.

(3) At the hearing, the board shall call such witnesses as it deems necessary, including the examining psychiatrist or psychologist, the appropriate district attorney, the attorney general, the police chief or the victims of the crime or such crime victims' family members, as the board deems necessary. The petitioner may offer such witnesses and other proof at the hearing as is relevant to the petition.

(4) The board shall terminate community parole supervision for life if the petitioner demonstrates, by clear and convincing evidence, that he has not committed a sex offense or a kidnapping since his conviction, that he is not likely to pose a threat to the safety of others and that the public interest is not served by further community parole supervision over the petitioner.

(5) If a petition for release from supervision is denied by the board, such petitioner may not file another such petition for a period of three years.

(c) An individual who violates a condition of community parole supervision shall be subject to the provisions of section 149. If the parolee has served the entire period of confinement under his original sentence, the original term of imprisonment shall, upon a first violation, be increased to imprisonment in a house of correction for 30 days if such violation does not otherwise constitute a criminal offense. Upon a second violation, said original term of imprisonment shall be increased to 180 days in the house of correction if such violation does not otherwise constitute a criminal offense. Upon a third or subsequent violation, said original term of imprisonment shall be increased to one year in the house of correction if such violation does not otherwise constitute a criminal offense. If such violation otherwise constitutes a criminal offense, said increased term of imprisonment shall be served on and after any sentence received for commission of the new offense.

SECTION 10. Chapter 211D of the General Laws is hereby amended by adding the following section:-

Section 16. The committee shall establish, supervise and maintain a system for the appointment of counsel for the provision of legal services for indigents subject to the sex offender registry classification system and resulting appeals pursuant to sections 178C to 178P, inclusive, of chapter 6.

SECTION 11. The first paragraph of section 26 of chapter 265 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the second sentence.

SECTION 12. Said section 26 of said chapter 265, as so appearing, is hereby further amended by adding the following paragraph:-

Whoever, without lawful authority, forcibly or secretly confines or imprisons a child under the age of 16 within the commonwealth against his will or forcibly carries or sends such person out of the commonwealth or forcibly seizes and confines or inveigles or kidnaps a child under the age of 16 with the intent either to cause him to be secretly confined or imprisoned in the commonwealth against his will or to cause him to be sent out of the commonwealth against his will or in any way held to service against his will, shall be punished by imprisonment in the state prison for not more than 15 years. The provisions of the preceding sentence shall not apply to the parent of a child under 16 years of age who takes custody of such child.

SECTION 13. Said chapter 265 is hereby further amended by adding the following section:-

Section 45. Any person who commits indecent assault and battery on a child under 14 under section 13B, indecent assault and battery on a mentally retarded person under the first paragraph of section 13F or indecent assault and battery on a person who has attained the age of 14 under section 13H may, in addition to the term of imprisonment authorized by such section, be punished by a term of community parole supervision for life to be served under the jurisdiction of the parole board, as set forth in section 133C of chapter 127. Any person who commits rape under section 22; rape of a child under 16 with force under section 22A; rape and abuse of a child under section 23; assault with intent to commit rape under section 24; assault of a child under 16 with intent to commit rape under section 24B; kidnapping a child under the age of 16 under section 26; drugging persons for sexual intercourse under section 3 of chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said chapter 272; or commits an attempt to violate any such section pursuant to section 6 of chapter 274, shall, except as provided for in section 18 of chapter 275, and in addition to the term of imprisonment authorized by such section, receive a sentence of community parole supervision for life to be served under the jurisdiction of the parole board, as set forth in section 133D of chapter 127. Any person convicted of violating section 13B, 13F, 13H, 22, 22A, 23, 24, 24B or 26 of this chapter or of an attempt to violate any of such sections pursuant to section 6 of chapter 274, after one or more prior convictions of indecent assault and battery, rape, assault with intent to commit rape, unnatural and lascivious acts, drugging for sex, kidnap or of any offense which is the same as or necessarily includes the same elements of said offense shall, in addition to the term of imprisonment authorized by such section, be punished by a term of community parole supervision for life, to be served under the jurisdiction of the parole board, as set forth in said section 133D of said chapter 127. The sentence of community parole supervision for life shall commence immediately upon the expiration of the term of imprisonment imposed upon such person by the court or upon such person's release from probation supervision or upon discharge from commitment to the treatment center pursuant to section 9 of chapter 123A, whichever first occurs.

SECTION 14. Chapter 275 of the General Laws is hereby amended by adding the following section:-

Section 18. Whenever a person is convicted of a first offense under section 13B, 13F or 13H of chapter 265 or for a first offense for the attempt of any of the aforementioned crimes under section 6 of chapter 274, the district attorney, upon motion to the court, may request a hearing after conviction and before sentencing, to determine whether or not such person shall be committed, in addition to any term of imprisonment or probation authorized by said sections, to community parole supervision for life, to be served under the jurisdiction of the parole board as set forth in section 133D of chapter 127. Whenever a person is convicted of a first offense under section 22, 22A, 23, 24, 24B or 26 of said chapter 265, section 3 or 35A of chapter 272 or for a first offense for the attempt of any of the aforementioned crimes under said section 6 of said chapter 274, the elements of which are mitigated by certain circumstances, the defendant, upon motion to the court, may request a hearing after conviction and before sentencing to determine whether or not such person shall receive, in addition to a term of imprisonment or probation authorized by such sections, community parole supervision for life, to be served under the jurisdiction of the parole board as set forth in said section 133D of said chapter 127.

At such hearing, the defendant shall have the right to be represented by counsel, and, if financially unable to retain adequate representation, to have counsel appointed to him. The defendant shall be afforded an opportunity to testify, to present witnesses, to cross-examine witnesses who appear at the hearing and to present information. The rules concerning admissibility of evidence in criminal trials shall not apply to the presentation and consideration of information at the hearing. A finding by the court that such person shall be committed to community parole supervision for life shall be supported by clear and convincing evidence.

In making a determination the judge shall, on the basis of any information which he can reasonably obtain, consider any mitigating or aggravating circumstances including, but not limited to, the defendant's character, propensities, criminal record, the nature and seriousness of the danger posed to any person or the community and the nature and circumstances of the offense for which the defendant is convicted. If the judge finds, by clear and convincing evidence, that no reasons for community parole supervision for life to be served under the jurisdiction of the parole board, as set forth in section 133D of chapter 127, exist, the judge shall not impose community supervision for life on such first offender.

Whenever a person is convicted of a first offense under section 22, 22A, 23, 24, 24B or 26 of chapter 265, or section 3 or 35A of chapter 272 or for a first attempt of any of the aforementioned crimes under the provisions of section 6 of chapter 274, the district attorney may file a motion with the sentencing judge requesting that the defendant not receive community parole supervision for life, and upon receipt of such motion, the sentencing judge shall not impose community parole supervision for life on such first offender.

SECTION 15. Notwithstanding subsection (1) of section 178K of chapter 6 of the General Laws, the initial term of appointment for two members of the sex offender registry

board shall be two years, the initial term of appointment for two other members of the board shall be three years, the initial term of appointment for two members shall be four years. The members presently serving as the sex offender registry board shall serve on the sex offender registry board until the expiration of their respective terms and their reappointment or the appointment of their successors.

SECTION 16. Notwithstanding the provisions of sections 178K and 178L of chapter 6 of the General Laws, the sex offender registry board shall adopt rules and regulations providing for evidentiary hearings in accordance with said section 178L prior to conducting any such hearings and shall file copies of such rules and regulations with the committee on criminal justice not later than 60 days after such rules and regulations are adopted. Such rules and regulations shall include, but not be limited to, provision for notice and opportunity to be heard by the offender, provision for appointment of counsel if the offender is found to be indigent as determined by the board using the standards under chapter 211D of the General Laws and notification to the offender of his right to seek judicial review pursuant to section 14 of chapter 30A of the General Laws if he is aggrieved by a decision of the board.

SECTION 17. The sex offender registry board and the chief counsel for the committee for public counsel services shall annually prepare reports setting out the costs incurred by each such agency as a direct result of the implementation of this act. The report by the board shall include the status of the classification and registration of sex offenders. The annual reports shall be submitted to the clerk of the house of representatives and the clerk of the senate, who shall forward the same to the house and senate committees on ways and means and to the joint committee on criminal justice on or before January 1, 2000 and every November 1 thereafter.

SECTION 18. The secretary of public safety shall conduct a study relative to the costs to municipal and state police departments relative to the establishment of the sex offender registry. Such study shall include, but not be limited to, the costs of hiring additional personnel, training, technology system upgrades and dissemination of information to the public. The secretary shall file the results of such study with the house and senate committees on ways and means not later than February 1, 2000.

SECTION 19. The parole board shall conduct a study relative to the costs of the establishment of community parole supervision for life. The study shall include, but not be limited to, the costs of hiring additional personnel, training, technology system upgrades, and the expansion of the intensive parole program for sex offenders on a statewide basis. The parole board shall file the results of such study with the house and senate committees on ways and means and the joint committee on criminal justice not later than November 1, 1999.

SECTION 20. There is hereby established a special commission to consist of six members of the senate and six members of the house of representatives to advise the general court as to the viability of requiring appropriate treatment for defendants charged with a sex offense as a condition of bail.

Approved September 10, 1999.

Chapter 75. AN ACT RE-APPROPRIATING CERTAIN FISCAL YEAR 1999 FUNDS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of making available in fiscal year 2000 balances of appropriations which otherwise would revert on June 30, 1999, the unexpended balances of the maintenance appropriations in section 2C.I, not to exceed the amount specified for each item, and the unexpended balance of all appropriations in the Massachusetts management accounting and reporting system, so-called, with a secretariat code of 01, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2000; provided, however, that for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in prior appropriation acts. Amounts in this section are re-appropriated from the funds designated for the corresponding items in said section 2 of said general appropriation act; provided, however, that for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated from the funds designated for the corresponding items in prior appropriation acts. The sums re-appropriated herein shall be in addition to any amounts available for such purposes.

NO SECTIONS 2, 2A OR 2B.

SECTION 2C.I.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

State House Physician.

1100-2600 \$5,607

Reserves.

1599-9952 \$70,814

Information Technology Division.

1790-0107 \$679,537

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Food and Agriculture.

2520-1200 \$279,535

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT.

7003-0601 \$1,370,000

7003-0901 \$412,500

DEPARTMENT OF EDUCATION.

7053-1925 \$372,373

7077-1000 \$2,928,968

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of State Police.

8100-0017 \$357,902

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SECTION 2C.II. For the purpose of making available in fiscal year 2000 balances of retained revenue and intragovernmental chargeback authorizations which otherwise would revert on June 30, 1999, the unexpended balances of the authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2000. Amounts in this section are re-authorized from the funds designated for the corresponding items in said section 2 of said general appropriation act. The sums re-authorized herein shall be in addition to any amounts available for such purposes.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Soldiers' Home in Massachusetts.

4180-1100 \$42,994

Soldiers' Home in Holyoke.

4190-1100 \$17,974

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

7004-9315 \$22,523

SECTION 3. Section 1 of chapter 65 of the acts of 1999 is hereby amended by inserting after the words "lottery distributions," the following words:- for payments from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund,.

SECTION 4. Sections 2C.I and 2C.II shall take effect as of June 30, 1999.

SECTION 5. Section 3 shall take effect as of July 1, 1999.

Approved September 13, 1999.

Chapter 76. AN ACT RELATIVE TO A CERTAIN PAYMENT IN LIEU OF TAXES IN THE TOWN OF CHARLTON.

Be it enacted, etc., as follows:

Section 2 of chapter 323 of the acts of 1998 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The town of Charlton may appropriate monies from the Charlton Debt Service Reserve Fund at any special or annual town meeting to pay principal and interest on any long term debt of said town including water and sewer fund debt maturing, callable or due in the ensuing fiscal year.

Approved September 16, 1999.

Chapter 77. AN ACT RELATIVE TO DIRECTORY ASSISTANCE SERVICE.

Be it enacted, etc., as follows:

Section 19A of chapter 159 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

For the purpose of this section, "directory assistance service" or "directory assistance call" shall mean information given to a customer of a telecommunications company to provide such customer with a telephone number for another customer within the commonwealth. A telecommunications company that provides a service which gives customers information about telephone numbers in another state shall not be required to file a schedule with the department to offer such service and the department shall have no authority to review or approve the offering of such service. Each customer shall be entitled without charge to a directory for each area within the commonwealth.

Emergency Letter: 9/17/99 @ 1:12 P.M.

Approved September 17, 1999.

Chapter 78. AN ACT PROVIDING FOR THE ELIMINATION OF TERM LIMITS IN THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. Section 2-11 of the charter of the city known as the town of Barnstable, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the last sentence.

SECTION 2. This act shall be submitted for acceptance to the voters of the city known as the town of Barnstable at the town election to be held on November 2, 1999 in the form of the following question which shall be placed on the official ballot to be used for the election:-

"Shall an act passed by the general court in the year 1999, entitled 'An Act providing for the elimination of term limits in the town of Barnstable', be accepted?"

If a majority of the votes in answer to said question is in the affirmative, section 1 of this act shall take full effect as of January 1, 2001, but not otherwise.

SECTION 3. This act shall take effect upon its passage.

Approved September 21, 1999.

Chapter 79. AN ACT AUTHORIZING THE TOWN OF ROCKPORT TO PAY A CERTAIN BILL.

Be it enacted, etc., as follows:

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SECTION 1. The town of Rockport may appropriate for the payment of, and after such appropriation the treasurer of the town may pay to E. C. Akerley Drilling & Blasting of the city of Gloucester, an unpaid bill for drilling services on Marmion Way incurred by the town and totalling a sum not to exceed \$12,950, notwithstanding the failure of the town to comply with the provisions of law relating to competitive bidding in awarding the contract.

SECTION 2. This act shall take effect upon its passage.

Approved September 22, 1999.

Chapter 80. AN ACT DESIGNATING A CERTAIN METROPOLITAN DISTRICT COMMISSION PLAYGROUND AS THE PAT AND GABRIEL FARREN PLAYGROUND.

Be it enacted, etc., as follows:

The metropolitan district commission playground located at the intersection of Charles River road and Irving street in the city known as the town of Watertown shall be designated and known as the Pat and Gabriel Farren Playground, in memory of Pat and Gabriel Farren. A suitable marker bearing such designation shall be attached thereto by the commission.

Approved September 22, 1999.

Chapter 81. AN ACT RELATIVE TO CONTRACT INTERPRETATION PROVIDING FOR CONTINUITY OF CONTRACT IN VIEW OF CURRENCY CHANGES IN EUROPE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for the continuity of contracts in view of currency changes in Europe, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The general court hereby finds that:

(a) on January 1, 1999, the euro became the currency of the member nations of the European Union, participating in the economic and monetary union pursuant to the Treaty on European Union of February 7, 1992, and the national currencies of participating member nations became units of the euro and will be phased out over a period of years; and

(b) this act is necessary to assure that the introduction of the euro does not have the effect of altering any term of a legal agreement or instrument or of discharging or excusing performance under any legal instrument, nor giving a party the right unilaterally to alter or terminate such an agreement or instrument.

SECTION 2. Chapter 260 of the General Laws is hereby amended by inserting after section 19, as appearing in the 1998 Official Edition, the following section:-

Section 19A. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Euro", the currency of participating member states of the European Union that adopt a single currency in accordance with the Treaty on European Union of February 7, 1992.

"Introduction of the euro", the implementation from time to time of economic and monetary union in member states of the European Union pursuant to the Treaty on European Union of February 7, 1992.

"ECU" or "European currency unit", the currency basket that is from time to time used as the unit of account of the European Community as defined in European Council Regulation (EC) No. 3320/94.

(b) If a subject or medium of payment of a contract, security, or instrument is a currency that has been substituted or replaced by the euro, the euro shall be a commercially reasonable substitute and substantial equivalent that may be either (1) used in determining the value of that currency or (2) tendered, in each case at the conversion rate specified in, and otherwise calculated in accordance with, the regulations adopted by the Council of the European Union.

(c) If a subject or medium of payment of a contract, security, or instrument is the ECU, the euro shall be a commercially reasonable substitute and substantial equivalent that may be either (1) used in determining the value of the ECU or (2) tendered, in each case at the conversion rate specified in, and otherwise calculated in accordance with, the regulations adopted by the Council.

(d) Performance of any of the obligations described in subsections (b) or (c) may be made in a currency designated in the contract, security, or instrument, or in the euro, but not in any other currency, whether or not the other currency (1) has been substituted or replaced by the euro or (2) is a currency that is considered a denomination of the euro and has a fixed conversion rate with respect to the euro.

(e) Substituted currency shall not change contract requirements. The following shall not have the effect of discharging or excusing performance under any contract, security, or instrument, or give a party the right unilaterally to alter or terminate any contract, security, or instrument:

(1) the introduction of the euro;

(2) tendering euros in connection with any obligation in compliance with subsection

(b) or (c);

(3) determining the value of any obligation in compliance with subsection (b) or (c);

and

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(4) calculating or determining the subject or medium of payment of a contract, security, or instrument with reference to a substituted or replaced interest rate or other basis that is deemed a commercially reasonable substitute and substantial equivalent according to the terms of this section.

(f) The provisions of this section shall govern all contracts, securities and instruments, whenever executed and shall not alter or impair and shall be subject to any agreements between parties with specific reference to or agreement regarding the introduction of the euro.

(g) When the euro first becomes the monetary unit of participating member states of the European Union, a reference to the ECU in a contract, security, or instrument that also refers to the definition of the ECU in subsection (a) shall be replaced with a reference to the euro at a rate of one euro to one ECU. A reference to ECU in a contract, security, or instrument without defining ECU shall carry a presumption, rebuttable by a showing of the contrary intention of the parties, that it is a reference to the currency basket that is from time to time used as the unit of account of the European Community.

(h) In circumstances of currency alteration other than the introduction of the euro, this section shall not be interpreted as creating any negative inference or negative presumption regarding the validity or enforceability of contracts, securities, or instruments denominated in whole or in part in a currency affected by such alteration.

(i) Notwithstanding the provisions of chapter 106 of the General Laws or any other general or special law to the contrary, this section shall apply to all contracts, securities, and instruments, including contracts with respect to commercial transactions.

Approved September 23, 1999.

Chapter 82. AN ACT PROVIDING FOR TERM LIMITS FOR ELECTED OFFICIALS IN THE CITY KNOWN AS THE TOWN OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Subsection (c) of section 2-1 of Article 2 of the charter of the city known as the town of Methuen, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- No person shall hold office of town councillor for more than three consecutive terms.

SECTION 2. Subsection (b) of section 3-1 of Article 3 of said charter is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- No person shall hold the office of mayor for more than three consecutive terms.

SECTION 3. Subsection (c) of section 4-1 of Article 4 of said charter is hereby amended by adding the following sentence:- No person shall hold the office of school committee member for more than three consecutive terms.

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SECTION 4. Section 1 of chapter 95 of the acts of 1993 is hereby amended by adding the following sentence:- No person shall hold the office of Methuen Housing Authority member for more than three consecutive terms.

SECTION 5. Notwithstanding the provisions of chapter 330 of the acts of 1960, chapter 274 of the acts of 1961 and section 16, et seq., of chapter 71 of the General Laws, or any agreements formed thereunder, no person shall hold the office of the Methuen elected representatives to the greater Lawrence regional vocational technical high school committee for more than three consecutive terms.

SECTION 6. This act shall be submitted for acceptance to the voters of the city known as the town of Methuen at a special election to be held in November, 1999, or a date set by the town council in the form of the following question: "Shall an act passed by the general court in the year 1999, entitled 'An Act providing for term limits for elected officials in the city known as the town of Methuen' be accepted?". If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

SECTION 7. This act shall take effect upon its passage.

Approved September 24, 1999.

Chapter 83. AN ACT RELATIVE TO THE OPERATION OF THE SEWER SYSTEM OF THE TOWN OF IPSWICH.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 30 of the acts of 1946 is hereby amended by striking out the words ", except that interest shall be at the rate of 6 percent per annum".

SECTION 2. Said section 7 of said chapter 30 is hereby further amended by adding the following sentence:- Notwithstanding the provisions of the first sentence to the contrary, if the owners of not less than 75 per cent of the land abutting a proposed sewer project, calculated on the basis of total frontage of those lots to be served by said project, petition the sewer commissioners for construction of an extension of the sewer system subject to betterment, the sewer commissioners may assess betterments up to 100 per cent of the cost of such extension to the sewer system.

SECTION 3. Said chapter 30 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. The income of the sewer system shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued for the purpose of the sewer system or an extension thereof. If in any fiscal year there should be a net surplus remaining after providing for the aforesaid charges for that fiscal year, such surplus, or so much of said net surplus as may be necessary to reimburse the town's general fund for any net deficit as may have been incurred in any prior

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fiscal year after the effective date of this section, shall be paid into the town's general fund, and the sewer commissioners shall adjust the sewer rentals and charges for the succeeding fiscal year to meet not only its aforesaid projected operating expenses and debt service, but also to fully reimburse the town's general fund for any net deficit as may remain outstanding. If in any fiscal year there should be a net surplus after providing for the aforesaid charges and for the payment of any reimbursement in full, such surplus may be appropriated for such new construction, extraordinary maintenance, or repairs, as the sewer commissioners, with the approval of the town, may determine. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the sewer system under their charge, and an account of their activities, including an account of the receipts and expenditures.

SECTION 4. This act shall take effect as of July 1, 1999.

Approved September 24, 1999.

Chapter 84. AN ACT FURTHER REGULATING THE BAKER HILL ROAD DISTRICT IN THE TOWN OF LANESBOROUGH.

Be it enacted, etc., as follows:

Section 6 of chapter 41 of the acts of 1989 is hereby amended by inserting after the second sentence the following sentence:- The prudential committee may for any fiscal year determine that the amount of the two actual district tax bill installments shall be for differing amounts so as to more accurately reflect the timing of district debt service payments.

Approved September 24, 1999.

Chapter 85. AN ACT ESTABLISHING THE POSITION OF TOWN ADMINISTRATOR IN THE TOWN OF MANCHESTER-BY-THE-SEA.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Manchester-by-the-Sea shall appoint a town administrator for a term of one or three years subject to removal by said board prior to the expiration of such term for just cause. Said administrator shall be a person especially fitted by education, training and experience to perform the duties of the office.

SECTION 2. Under the policy direction of the board of selectmen, the town administrator shall serve as the town's chief administrative officer, shall act as the agent for the board and shall be responsible to the board for the proper operation of town affairs for which said administrator is given responsibility under this act. The administrator shall supervise, direct and be responsible for the efficient administration of all departments and employees under the jurisdiction of the board and all functions for which the administrator

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is given responsibility, authority or control by this act, by-law, town meeting vote or by vote of said board.

SECTION 3. The town administrator shall appoint, based upon merit and fitness, all department heads and officers, subordinates and employees under the jurisdiction of the board of selectmen, except employees of the school department and persons serving under officers, boards, or committees elected directly by the voters of the town of Manchester-by-the-Sea. Appointments of department heads by the administrator shall be subject to confirmation by the board. All other appointments shall be made in consultation with the appropriate department head, board, commission, or committee and shall be in compliance with the personnel by-law and personnel rules and regulations of said town.

SECTION 4. Any person holding office or employment in the town of Manchester-by-the-Sea upon the effective date of this act shall retain such office or employment and shall continue to perform his duties under the provisions of the personnel by-law and personnel rules and regulations of said town.

SECTION 5. All laws, by-laws, votes, rules and regulations which are inconsistent with this act so far as they refer to the town of Manchester-by-the-Sea, are hereby suspended and such suspension shall not revive any pre-existing enactment. Nothing contained herein shall impair contractual rights established prior to the adoption of this act.

SECTION 6. This act shall take effect upon its passage.

Approved September 24, 1999.

Chapter 86. AN ACT ESTABLISHING THE SCANTIC VALLEY WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Hampden hereby create a water district in the following described geographical area in the town:

Beginning at the north side of Main Street at a point located approximately 1,850 feet east of east sideline of North Road, thence proceeding NORTHERLY 620 feet, thence EASTERLY 700 feet, thence SOUTHERLY 270 feet, thence EASTERLY to the west sideline of Glendale Road, thence running easterly from the east sideline of Glendale Road parallel to and at a distance of 350 feet north of the north sideline of Scantic Road and continuing to a point on the west side of South Monson Road, thence SOUTHWESTERLY along the west sideline of South Monson Road and following that line crossing to the south side of Scantic Road to a point 300 feet south of Scantic Road, thence WESTERLY parallel to and at a distance of 300 feet south of Scantic Road to Main Street, thence continuing said line parallel to and at a distance of 300 feet south of the south side of Main Street to a point opposite the 1,850 feet point east of North Road, thence NORTHERLY across Main Street to the point of beginning.

The water district shall be a body politic and corporate by the name the Scantic Valley Water District, in this act called "the district", for the purpose of supplying themselves with water for domestic and other purposes, with power to lay water mains, and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing fees as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of the district, except as otherwise provided in this act. The district shall also have for its purpose the construction and financing of such water treatment works and facilities as may be necessary to deliver pure and healthful drinking water. The district shall seek, obtain and accept any available capital and operating funds from the commonwealth or the federal government or any authority or entity created by either government. The district shall have the power to prosecute and defend all actions relating to its property and affairs and shall be deemed a public employer for purposes of chapter 258 of the General Laws.

SECTION 2. Any person or entity owning land which has any part of its frontage, as defined in the zoning by-laws of the town of Hampden, located within the geographical area of the district may petition the district to be admitted for the purpose of being supplied with water. The district is not authorized to provide water to other persons or entities.

Acknowledging that the sole purpose of the district is to provide an alternative public water supply to residents within the district whose drinking water has been adversely affected by the existence or closing of the town of Hampden landfill, the district retains the authority and power to decline to supply water to residents if it, in its discretion, determines that adding service for the resident would be beyond the capacity of the existing system taking into consideration not only the current water supply but the potential need to service additional residents within the district whose drinking water has been adversely affected by the existence or closing of the landfill.

The district may not decline to supply water to any person or entity owning land which has any part of its frontage in the district and whose drinking water supply has been adversely affected by the existence or closing of the landfill.

SECTION 3. For the purposes of this act, the district, acting by and through its board of water commissioners may:

(a) in addition to the powers granted to it by sections 8, 9 and 10, take by eminent domain under the provisions of chapter 79 or chapter 80A of the General Laws or acquire by lease, purchase or otherwise, and hold the waters or any portion thereof, of any pond, spring or stream or of any ground sources of supply by means of driven, artisan or other wells, within the territorial limits of the water district not already appropriated for the purposes of a public water supply by another governmental body and the water and flowage rights connected with any such water sources; may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of the district; but no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval

of the department of environmental protection and that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of the department;

(b) construct and maintain on the lands acquired and held under this act, wells, springs, stand pipes, tanks, pumping plants, buildings, fixtures and other structures, including the establishment and maintenance of filter beds and purification works or systems and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of a complete and effective water district; and may construct pipelines, wells and reservoirs, establish pumping works and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways and along such ways, in the town, in a manner as not to obstruct unnecessarily the same;

(c) for the purpose of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all other purposes of this act, dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; but the manner in which all things are done upon any such way shall be subject to the direction of the board of selectmen; and provided that the district shall not enter upon or construct or lay any conduit, pipe or other works within the location of any railroad corporation or, in case of failure to so agree, as may be approved by the department of telecommunications and energy;

(d) enter upon any lands for the purposes of making surveys, test wells or pits and borings, or any of them, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act;

(e) employ personnel and may engage architectural, engineering, accounting, management, legal, financial and environmental consulting and other professional services; and

(f) do all things necessary, convenient or desirable to carry out the purposes of this act or the powers expressly granted or necessarily implied by this act.

SECTION 4. Any person sustaining damages in his property by any taking under this act or any other thing under authority thereof may recover such damages from the district under the provisions of chapter 79 or chapter 80A of the General Laws; but the right to damages for the nonexclusive taking of any water, water right or water source or injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 5. The town of Hampden, for the purposes of paying the cost of and expenses incurred in connection with the taking or the acquisition of the properties for use by the district as provided in this act and for putting such properties in a satisfactory operating condition as may be in the district's opinion needed and as approved by the department of environmental quality engineering may, from time to time, borrow such sums

as may be necessary. The district, for the purpose of paying other necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, may from time to time borrow such additional sums as may be necessary, not exceeding, in the aggregate, the amounts permitted by law to be borrowed by water districts. The district may borrow from time to time such sums as may be necessary for the purposes of this act in anticipation of revenue. Indebtedness incurred under this act shall, except as otherwise provided in this act, be subject to the provisions of chapter 44 of the General Laws pertaining to districts. Each borrowing shall constitute a separate loan, shall be authorized by the affirmative vote of not less than two-thirds of all the members of the board of water commissioners and shall be upon the full faith and credit of the district. All bonds or notes issued under the provisions of this act shall be obligatory upon the district and its inhabitants and the property within the limits of the district according to the tenor and purport thereof.

SECTION 6. (a) The district, acting by and through the board of water commissioners, shall, subject to the applicable provisions of law, fix just and equitable prices and rates for the use of water and shall prescribe the time and manner of payment. Such prices and rates shall be reviewed on not less than an annual basis and as necessary shall be revised. If there should be a net of operation and the expenses, such surplus shall be applied to pay costs of operation for the district for the succeeding fiscal year. The fiscal year of the district shall commence July 1 and end June 30, or as otherwise provided in the by-laws of the district.

(b) The district shall recognize and be bound by contractual obligations undertaken by the town of Hampden in the settlement of lawsuits or claims filed prior to or subsequent to the creation of the district relating to the amounts, if any, to be charged for the use of water or other charges.

(c) The district shall recognize and be bound by contractual obligations between the town of Hampden and the Massachusetts Audubon Society relating to the easements and agreements with respect to the district including, but not limited to, the amounts, if any, to be charged for the use of water or other charges.

SECTION 7. If for any reason the revenues and available funds of the district, including revenues from prices and rates for the use of water as provided in section 6, shall be determined by the board of water commissioners not to be sufficient to pay the full cost of operation of the district, the board of water commissioners shall apply to the board of selectmen for the placement of an article in a town meeting warrant to raise and appropriate the necessary funds for the operation of the district.

SECTION 8. The management and control of all property acquired by, and the exercise of all the powers, privileges and duties conferred upon the district, pursuant to any of the provisions of this act, shall be vested in and exercised by a board of water commissioners which shall be constituted as follows:

The board of water commissioners provided for in this section and sections 3, 5, and 6 shall consist of three members who shall be inhabitants of and registered voters in the town of Hampden. No such member shall hold any other elective or appointive office or be an

employee of said town. The board of selectmen of the town of Hampden, after the town shall have accepted this act, shall appoint three inhabitants of and registered voters in the town to serve as members of the board of water commissioners, one of whom shall serve until January 1, 2002 and one shall serve until January 1, 2001 and one shall serve until January 1, 2000 or until their successors are appointed and qualified. Beginning January 1, 1999, and annually thereafter, one inhabitant of and registered voter in the town shall be appointed by the board of selectmen to serve as a member of the board of water commissioners for the term of three years or until a successor is appointed and qualified. Members of the board of water commissioners shall serve without pay but may be compensated for their actual expenses as approved by the board of water commissioners.

The district acting through its initial board of water commissioners shall promptly adopt by-laws describing by whom and how meetings of the board of water commissioners shall be called, notified and conducted, establish rules and regulations for the management of its affairs not inconsistent with this act or any other provision of law, shall appoint, each for a term as it may determine, a clerk and a treasurer of the district and such other officers and employees not specifically provided for in this act as it deems necessary and proper and shall fix their compensation. At meetings of the board of water commissioners, two members shall constitute a quorum. Any member of the board of water commissioners may be removed by the board of selectmen who appointed the member for misfeasance, malfeasance or willful neglect of duty or other cause after notice and a public hearing unless the notice and hearing shall be expressly waived in writing. Vacancies occurring in the membership of the board of water commissioners for any cause may be filled for the remainder of the unexpired term by the board of selectmen. No vacancy occurring in the membership of the board of water commissioners shall disqualify the board of water commissioners from taking any action authorized or permitted by this act.

The district shall annually prepare and provide to the board of selectmen, and to each user of water in the district who requests the same, a written report of the condition of the system, the actions of the board of water commissioners and the receipts and expenditures of the district for the preceding fiscal year. The district shall furnish the board of selectmen with such other information as to the condition of the system, the actions of the board of water commissioners and the district and the receipts and expenditures of the district as may be reasonably requested by the board of selectmen and such information shall be furnished within a reasonable time after receipt of such a request.

SECTION 9. Whoever willfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or willfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the district shall be liable to the district for three times the amount of damages assessed therefor, to be recovered in an action of tort and upon conviction of any of the above willful or wanton acts shall be punished by a fine of not more than \$300 or by imprisonment for not more than one year or both.

SECTION 10. The town of Hampden may, by two-thirds vote of an annual town meeting, increase the geographical area of the district.

SECTION 11. The acceptance of this act by the town of Hampden shall be an acceptance by the district of sections 42A to 42I, inclusive, of chapter 40 of the General Laws and promptly after the formation of the district the clerk shall file a certificate in the registry of deeds in the county of Hampden signifying the acceptance by the district of said sections 42A to 42I, inclusive, of said chapter 40.

SECTION 12. This act shall be accepted by the town of Hampden in the same manner as provided in section 4 of chapter 4 of the General Laws for acceptance of statutes by towns. Notwithstanding the provisions of said section 4 of said chapter 4 the town must accept the provisions of this act within four years after its passage.

SECTION 13. This section and sections 11 and 12 shall take effect upon their passage and the remaining sections shall take effect upon acceptance of this act by the town of Hampden as provided in said sections 11 and 12.

Approved September 24, 1999.

Chapter 87. AN ACT ABOLISHING TERM LIMITS FOR ELECTED PUBLIC OFFICIALS OF THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. Section 31 of the charter of the city of Lowell, as most recently amended by section 1 of chapter 135 of the acts of 1994, is hereby further amended by striking out the last paragraph.

SECTION 2. Section 96 of said charter, as most recently amended by section 2 of said chapter 135, is hereby further amended by striking out the last paragraph.

SECTION 3. Section 103 of said charter, as most recently amended by section 3 of said chapter 135, is hereby further amended by striking out the last paragraph.

SECTION 4. This act shall be submitted to the voters of the city of Lowell at the city election to be held in the year 1999 in the form of the following question, which shall be placed upon the official ballot to be used for the election of city officials at said election:-

"Shall an act passed by the general court in the year 1999, entitled 'An Act abolishing term limits for elected public officials in the city of Lowell' be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative, but not otherwise, this act shall take effect as of 10:00 a.m. on January 3, 2000.

SECTION 5. This act shall take effect upon its passage.

Approved September 24, 1999.

Chapter 88. AN ACT RELATIVE TO THE FORM OF REPRESENTATIVE TOWN GOVERNMENT IN THE TOWN OF NORTH ATTLEBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 57 of the acts of 1976 is hereby amended by striking out sections 1 to 12A, inclusive, and inserting in place thereof the following 11 sections:-

Section 1. As used in this act, the following words shall have the following meanings:-

"Days", shall refer to business days, not including Saturdays, Sundays, and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted. When the last day falls on a Saturday, Sunday or legal holiday, the period shall be extended to the end of the next day which is not a Saturday, Sunday or legal holiday.

"Emergency", shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.

"general laws", shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which North Attleborough is a member.

"General Laws", shall refer to the General Laws of the commonwealth, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

"Library", shall mean the Richard Memorial Public Library, and any branch or branches which may be established thereof.

"Local newspaper", shall mean a newspaper of general circulation in the town of North Attleborough.

"Majority vote", shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law.

"Quorum", unless otherwise required by law, shall mean one-half plus one of the membership not including any vacancies which might then exist.

"Town", shall mean the town of North Attleborough.

"Town agency", shall mean any board, commission, committee, department, division or office of the town government.

"Town officer or town official", when used without further qualification or description, shall mean a person having charge of an office or department of the town.

"Voter", shall mean registered voters of the town of North Attleborough.

Section 2. There shall be a representative form of town meeting in the town of North Attleborough limited to registered voters who are elected to meet, deliberate, act and vote in the exercise of the legislative powers of the town.

Section 3. The board of selectmen shall divide the town into convenient voting precincts. Any voting precincts so established shall be composed of compact and contiguous territory. The selectmen shall, so far as possible, make the center line of streets or ways, or other well defined limits that constitute block boundaries recognized by the United States

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bureau of the census, the boundaries of such precincts and shall designate them by numbers or letters. Each precinct established shall contain, as nearly as may be, an equal number of inhabitants, but not more than 4,000 inhabitants. Such division of a town into precincts shall be made by the board of selectmen setting forth an official description of the precincts so established, together with a statement of the number of inhabitants residing in each precinct as nearly as such number may be determined. The board of selectmen shall also cause an official map of the precincts established by them to be prepared. Upon the adoption by the board of selectmen of such a division, the election commissioners shall transmit forthwith to the state secretary, not later than July first of the year in which such division is authorized or required to be made under this section, a copy of said division, together with an official map of said precincts and a statement by the board of selectmen of the number of inhabitants in each such precinct as nearly as such number may be determined.

The board of selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein; and the board shall also cause to be posted in at least one public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the filing of the report thereof by the board of selectmen with the board of election commissioners.

Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meetings direct. The provisions of chapters 50 to 56, inclusive, of the General Laws, relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts herein before provided.

Section 4. The representative town meeting shall consist of members elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year.

The membership of the representative town meeting shall consist of an equal number of members from each precinct, as specified by by-law, with its members elected annually at the April town election for a three year term. No candidate for membership shall be so elected unless the candidate receives 25 or more votes in the precinct and resides in the precinct on election day. Any registered voter in the town of North Attleborough shall be eligible for election to town meeting.

Election ties shall be decided by ballot vote of the remaining representative town meeting members from the precinct. The terms of office of all elected town meeting members from every precinct shall cease upon the election as hereinbefore provided of their successors. The board of election commissioners shall, after every election of the town meeting members, forthwith notify each such member by mail of his election. Representative town meeting members shall serve without compensation.

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It shall be the duty of representative town meeting members to fully acquaint themselves prior to town meetings with the subject matter of all warrant articles. Members are encouraged to attend any public hearings, thereon given by a town agency or official.

Section 5. On the night of the opening of the first business session of the annual town meeting, the town clerk shall cause the elected members from each precinct to organize, to elect a chairman, vice-chairman and to elect or appoint such other officers as the members deem necessary. Precinct meetings shall be called by the chairman or vice-chairman. The chairman, vice-chairman or their designee, of all such precinct committees shall meet from time to time to coordinate the activities relative to the representative town meeting.

The responsibilities of this coordinating committee will include, but not be limited to, the following:

- (a) hold informational sessions prior to any town meeting as determined by the coordinating committee;
- (b) hold orientation workshops for members as determined by the coordinating committee;
- (c) distribute finance committee recommendations and any other supporting information on articles, including material submitted by town boards and committees;
- (d) publish and update the representative town meeting handbook as determined by the coordinating committee;
- (e) work with town officials and agencies on informational needs of the representative town meeting members.

This coordinating committee may appoint ad hoc committees from the representative town meeting membership. Said ad hoc committees shall report to the representative town meeting and to the board of selectmen through its coordinating committee. The board of selectmen shall include the report or reports as submitted in the next annual town report.

Section 6. Nominations of a candidate and candidate for re-election for town meeting member to be elected under this act shall be made by nomination papers, which shall show whether such candidate has been a former town meeting member, and, if an elected incumbent of such office, that he is a candidate for re-election and shall bear no other political designation. Such papers shall be signed by not less than ten registered voters of the precinct in which the candidate resides and shall be filed with the board of election commissioners at least 35 days before the election. If a town meeting member is a candidate for re-election, the words "Candidate for Re-Election" shall be printed against his name as it appears on the ballot for the election of town officers. If a town meeting member, who has been chosen by the remaining members from the precinct to fill a vacancy under the provisions of section 7, is a candidate for election the words "Candidate for Re-Election" shall not be printed against his name as it appears on the ballot. All candidates shall be listed in alphabetical order. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

Section 7. (a) A town meeting member may resign by filing a written resignation with the town clerk, and such resignations shall take effect on the date of such filing.

(b) A town meeting member who moves from the town shall cease to be a town meeting member. A town meeting member who moves from one precinct to another shall notify the town clerk of such member's new address and the effective date. A town meeting member who is removed by a revision of precinct lines, may continue to serve as a town meeting member from the precinct from which he was elected until the next annual town election at which the remainder of his term, if any, shall be filled by a ballot. Any persons so removed from office may be elected at the same election as a town meeting member from the precinct to which he has moved.

(c) Any vacancy in the full numbers of town meeting members from any precinct shall be filled by the person receiving the highest vote among the defeated candidates at the last election provided said candidate received at least 25 votes. In the absence of such candidate, the vacancy shall be filled until the next annual town election by a majority of the remaining town meeting members of the precinct from among the registered voters thereof who have indicated a willingness to serve by a written notice received by the town clerk. Upon receipt of written notice of a vacancy, the town clerk shall promptly give public notice of all vacancies in at least one newspaper of general circulation in the town of North Attleborough, and shall also give written notice to the chairman of the precinct in which the vacancy exists. Said notices shall contain the date, time and place of the meeting to fill such vacancies. Notification of a vacancy shall be submitted to the town clerk and shall consist of either a written resignation or a written notice signed by not less than ten town meeting members from the precinct wherein the vacancy exists.

At the said meeting, a majority of the remaining members from such precinct shall constitute a quorum. The choice to fill any vacancy shall be by secret ballot, and a majority of the votes cast shall be required for a choice. The precinct chairman and vice-chairman, or their designees, shall count the ballots and shall make a certificate of the choice and file the same with the town clerk, together with a written acceptance by the member or members so chosen, who shall thereupon be deemed elected and qualified as a town meeting member or members, subject to the right of all the town meeting members to judge the election and qualifications of its membership as set forth in section 9.

Section 8. The moderator shall be an ex-officio member of the representative town meeting. He shall possess all of the rights and privileges of elected town meeting members, but shall have no vote on any matter coming before the town meeting except in a case of a tie vote.

Nominations for and election of a moderator shall be as in the case of other elective town officers, and any vacancy in the office may be filled by the representative town meeting members at a town meeting or at a meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members.

Section 9. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, and the representative town meeting members, and as herein provided, to referenda, and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town. All other

articles in the warrant for any town meeting shall be acted upon exclusively by representative town meeting members, who shall exercise all legislative powers of the town. Said meeting shall be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section 11.

The board of selectmen shall place on such warrant all subjects requested (a) by vote of the selectmen; (b) by vote of any elected or appointed town board, committee, elected town officer or commission; (c) by any ten or more voters for the annual and semi-annual town meetings; (d) by 100 voters or 36 representative town meeting members for a special town meeting; or (e) by any other person or agency as may be authorized by by-law. All subjects submitted to the board of selectmen under this section shall be placed on a warrant for the next town meeting. Following the close of the warrant, copies of the warrant articles shall be distributed as may be designated by by-law.

Section 10. There shall be an annual and a semi-annual representative town meeting in each calendar year. The first such meeting shall be held during the second three months of the calendar year, on a date fixed by by-law, and shall be primarily concerned with, but not limited to, the determination of matters involving the expenditure or commitment of town funds, including, but not limited to, the adoption of an annual operating budget for all town agencies. The semi-annual meeting shall be held during the last four months of the calendar year, on a date fixed by by-law, in addition to the two meetings required in this section, the board of selectmen may, in their discretion, for the purpose of acting on the legislative business of the town in an orderly and expeditious manner, call the representative town meeting into session at other times by the issuance of warrants for that purpose.

The town clerk shall notify the town meeting members of the time and place at which the representative town meetings are to be held. Notices shall be sent by mail at least 14 days before the meeting. Printed copies of the warrant shall be made available 21 days prior to a town meeting. Printed finance committee recommendations shall be made available 14 days prior to the business session of a town meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications of its membership. One-half of the membership, plus one, set forth in section 4 shall constitute a quorum for doing business; but a lesser number may organize temporarily and may adjourn from time to time, but no town meeting shall adjourn over the date of election of town meeting members.

The town clerk shall maintain a journal of the proceedings of all town meetings and a copy thereof shall be kept at the office of said town clerk and at the Richard Memorial Public Library. A roll call vote in which the response shall be recorded by name in the journal may be requested by 18 or more members.

A representative of each town agency should attend all sessions of the representative town meeting at which warrant articles pertinent to the said town agency are to be acted upon, for the purpose of providing information relative to such warrant articles to the town meeting.

All meetings held by representative town meeting members for any purpose relative

to representative town meeting business shall be open and comply with the laws of the commonwealth regulating open meetings.

Any representative town meeting held under the provisions of this act, except as otherwise provided therein, shall be limited to the town meeting members elected under section 4. If the chairman of the board of selectmen and chairman of the finance committee are not elected representative town meeting members, they or their designees from the respective committees or board, by reason of their office, shall be ex-officio representative town meeting members but shall have no voting privileges. All town officials, the chairman of boards and commissions, department heads, or their respective designees, and any registered voter of the town of North Attleborough may attend sessions of the representative town meeting, and may speak when properly recognized by the moderator. The town clerk shall provide an attendance record which shall be personally signed by each town meeting member at each session. The attendance record shall be a part of the journal and shall be included in the annual report of the town clerk. Representative town meeting members shall be seated by precinct apart from the general public. Town meeting members shall be seated with their respective precincts in order that their vote be counted unless excused by the moderator for medical reasons, or by reason of their office, they are required to be seated at the rostrum.

Section 11. A vote other than the article pertaining to the town budget passed at any representative town meeting authorizing the expenditure of \$75,000 or more as a special article appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the terms of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until the expiration of ten days, including Saturdays, Sundays, and holidays, from the dissolution of the meeting. If, within said ten days, a petition signed by not less than 30 registered voters from each precinct, totaling not less than 5 per cent of the registered voters of the town, containing the names and addresses, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be open at eight o'clock in the forenoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any question so submitted shall be taken by ballot, and the check list shall be used in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot: "Shall the town vote to approve the action of the representative town meeting whereby it was voted (here insert brief description of the substance of the vote)?" If such petition is not filed within said ten days, the vote of the representative town meeting shall become operative and effective upon expiration of said period. Absentee ballots shall be used at such election in accordance with the provisions of

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chapter 54 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved September 24, 1999.

**Chapter 89. AN ACT RELATIVE TO ELECTIONS IN THE CITY OF
PITTSFIELD IN THE CURRENT YEAR.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, if the state secretary determines, after following the procedures required by section 60 of chapter 56 of the General Laws, that a standard or procedure of a local election official that is contrary to a general or special law concerning administration of elections has placed in doubt any or all results of the preliminary election held in the city of Pittsfield on September 21, 1999, the state secretary may set aside such results and order a new preliminary election on any appropriate day. Such order may also establish a later day for holding the final 1999 election in said city. The nominations made and absentee ballot applications filed for the original preliminary election shall apply to such new preliminary election, but additional absentee ballot applications may be filed not later than noon of the day before the new preliminary election.

SECTION 2. This act shall take effect upon its passage.

Approved September 27, 1999.

**Chapter 90. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL
YEAR ENDING JUNE 30, 2000, PRIOR TO FINAL ACTION ON THE
GENERAL APPROPRIATION BILL FOR SAID FISCAL YEAR.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, \$1,300,000,000 is hereby appropriated for the fiscal year ending June 30, 2000, to meet necessary expenditures prior to the enactment into law of the general appropriation act for said fiscal year, for the maintenance and operation of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for local aid payments and lottery distributions, for payments from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund, for other necessary services and for meeting certain requirements of law; provided, however, that said amount shall be in addition to the amounts made available for said purposes in section 1 of chapter 25 of the acts of 1999, section 1 of chapter 43 acts of 1999 and section 1

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of chapter 65 of the acts of 1999; provided further, that the authorization contained herein shall cease to be operative as of the effective date of the general appropriation act and all actions taken under this section shall apply against the general appropriation act; and provided, further, that all expenditures made under this authorization shall be consistent with appropriations made in the general appropriation act.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on September 30, 1999, but which are necessary to fund obligations subsequent to that date are hereby re-authorized through October 31, 1999; provided, however, that the re-authorizations contained herein shall terminate upon enactment of capital account extension legislation.

SECTION 3. The fourth sentence of section 107 of chapter 88 of the acts of 1997 is hereby amended by striking out the figure "1999" and inserting in place thereof the following figure:- 2000.

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend an amount not to exceed \$6,000,000 for the purpose of enhancing outreach efforts to uninsured families and children as provided under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided, however, that said expenditure shall be made pursuant to the spending authorization in section 1 and shall be charged to item 4000-0310 upon the enactment of the general appropriation act for fiscal year 2000; provided further, that said division may enter into contracts with the Massachusetts League of Community Health Centers and the Massachusetts Hospital Association for the purpose of providing such outreach; provided, further, that if contracts are successfully executed pursuant to this section, expenditures thereunder shall be made by September 30, 1999 or by such later date as allowed by federal legislation if the period in which such expenditures may be federally reimbursed at an enhanced rate is extended by federal legislation; provided, further, that said division may retain and expend for the purposes of said item 4000-0310 all federal revenues received as a result of expenditures under such contracts; provided, further, that said division may retain and expend for the purposes of said item 4000-0310 any hospital or community health center donations, in a total amount not to exceed \$600,000, received as contributions to offset said division's cost associated with out-stationed eligibility workers, pursuant to a spending plan submitted to the secretary of administration and finance. Said division may further expend \$723,000 for the purpose of entering into contracts by September 30, 1999, with the mini-grant outreach contractors, so-called, in order to enhance MassHealth outreach; provided, that said expenditure shall be made pursuant to the spending authorization in section 1 and shall be charged to item 4000-0700 upon the enactment of the general appropriation act for fiscal year 2000.

SECTION 5. Sections 2 and 3 shall take effect as of June 30, 1999. The remaining provisions of this act shall take effect as of July 1, 1999.

Approved September 30, 1999.

Chapter 91. AN ACT RELATIVE TO THE POSITION OF DEPUTY CHIEF OF POLICE OF THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 3 of the acts of 1947 is hereby amended by striking out the words "and the officer directly below him in rank shall be known as the deputy chief of police".

SECTION 2. Section 2 of said chapter 3 is hereby amended by striking out the words "and whenever in any such general or special law the words 'assistant marshall' appear, such words shall mean 'deputy chief of police'".

Approved October 1, 1999.

Chapter 92. AN ACT DESIGNATING A CERTAIN INTERCHANGE IN THE CITY OF WOBURN AS THE JAMES McKEOWN INTERCHANGE.

Be it enacted, etc., as follows:

The interchange off Interstate Highway Route 93 leading to the Industriplex/Regional Transportation Center in the city of Woburn shall be designated and known as the James McKeown Interchange in memory of the late James McKeown. The department of highways shall erect suitable markers bearing this designation in compliance with the standards of the department.

Approved October 1, 1999.

Chapter 93. AN ACT AUTHORIZING THE TOWN OF WEBSTER TO ACCEPT EASEMENTS IN THE STATE OF CONNECTICUT.

Be it enacted, etc., as follows:

SECTION 1. The town of Webster, acting by and through its board of selectmen, may accept permanent and temporary easements within the state of Connecticut for the construction of a water and sewerage system and other ancillary facilities for the Colonial Park/Point Breeze project.

SECTION 2. This act shall take effect upon its passage.

Approved October 1, 1999.

Chapter 94. AN ACT RELATIVE TO QUINCY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared for the benefit of the people of the city of Quincy:

(a) that in order to meet the demands of the rapidly changing health care environment and continue the public health care mission of Quincy Hospital, Quincy Hospital, like many public hospitals, must restructure in order to ensure the delivery of quality health care to the citizens it serves; and

(b) that the public mission of Quincy Hospital includes providing specialized clinical services to patients, particularly to the extent not available through other area services, providing comprehensive health care to the communities served by Quincy Hospital to ensure its availability to citizens of those communities, and providing free care to indigent patients, each of which remains an important objective which must be preserved or enhanced; and

(c) that the aforesaid declared public purposes separately and collectively serve the highest public interest and are essential to the public health and welfare, but must be realized in the most efficient manner consistent with their accomplishment; and

(d) that it is fiscally desirable for the city of Quincy and will benefit the mission of Quincy Hospital and the citizens of the communities it serves, to separate the operations, assets, liabilities and obligations of the existing hospital from the city of Quincy and the trust account through which it currently operates so that the operations of Quincy Hospital may be conducted as a self-supporting entity; and

(e) that Quincy Hospital, while retaining its identity as a charitable hospital, will be better able to achieve the objective of making available a viable health care system providing a full range of services for the health care needs of the people of the city and the commonwealth by entering into an affiliation with other hospitals and health care providers; and

(f) that it is in the interests of the employees of Quincy Hospital, the employee organizations that represent them for the purpose of collective bargaining and the citizens of Quincy to ensure to the maximum extent possible that any nonprofit corporation so created recognizes the rights of Quincy Hospital employees eligible under the National Labor Relations Act to continue to be represented and enter into collective bargaining agreements containing their wages, hours, terms and conditions of employment; and

(g) that the interests of the citizens of the city and the commonwealth will be best served by the city's entering into one or more transactions pursuant to which the operations, assets, liabilities and obligations of the hospital will be transferred to or otherwise placed under control of one or more nonprofit corporations; provided that such nonprofit corporation or corporations which acquire or otherwise assume control of the Quincy City Hospital's operations, assets, liabilities and obligations shall be operated so that no part of its net earnings or assets inures to the benefit of any private individual and so that its activities comply with all applicable laws prohibiting self-dealing or otherwise relating to conflicts of interest.

SECTION 2. As used in this act, the following words shall, unless the context otherwise requires, have the following meanings:

"Affiliate", an organization which either controls or is a subsidiary of an organization which controls another entity, directly or indirectly, by means of the controlling organization or another subsidiary or affiliate of the controlling organization being the sole member of such entity or having the power to appoint at least one-half of the members, shareholders or governing body of such entity or having retained reserved powers to approve significant activities of such organization or otherwise controlling the governing body of such entity.

"Affiliation", an affiliation authorized by paragraph (a) of section 3 through transfer of all or substantially all of the assets of the hospital to one or more corporations, or otherwise giving management control of all operations of the hospital and possession or use of all or substantially all of the properties and assets of the hospital to one or more corporations.

"Affiliation agreement", one or more agreements which may be entered into prior to the implementation date by and between or among Boston Medical Center or the medical school on the one hand and the city, the hospital or one or more corporations on the other hand regarding affiliations between such parties relating to the operation of the corporation and the delivery of health care services to the communities served by the hospital.

"Boston Medical Center", the nonprofit corporation named Boston Medical Center Corporation, and any successor thereto.

"Corporation" or "corporations", any one or more nonprofit corporations established under chapter 180 of the General Laws, licensed, directly or indirectly, by the department of public health under section 51 of chapter 111 of the General Laws to operate an acute-care hospital as defined in section 25B of said chapter 111, with which the hospital is authorized to affiliate by paragraph (a) of section 3, and any subsidiaries or affiliates of said corporations.

"Debt obligations", bonds, notes or other evidence of indebtedness.

"Definitive agreement", an agreement entered into prior to the implementation date by and between the city, the hospital and Boston Medical Center, as amended from time to time, regarding the organization of a corporation, the transfer of the assets and operations of the hospital to such corporation and the terms of any affiliation agreements contemplated by the parties.

"Hospital", the hospital known as Quincy Hospital, located on Plot 12, Lot A, Plot 26, Lot 21, Plot 22, Lot 1, Plot 81, Lot 21R, Plot 23, Lot 2, Plot B2, on Assessor's Plan 1177A and Plot 13, Plot 50, Lot A, on Assessor's Plan 1177E operated as a department and through a trust account of the city of Quincy, created by chapter 134 of the acts of 1919, and any other health care facilities under its ownership, custody and control.

"Implementation date", the date on which the affiliation becomes effective, as provided in the agreements authorized by paragraph (b) of section 3, upon written approval of the mayor attesting to his conclusion that the satisfaction of the terms and conditions of such agreements will effectuate the purposes of this act.

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"Includes" or "including", by way of illustration and not by way of limitation.

"Medical school", the Boston University School of Medicine, or any successor thereto.

"Memorandum of understanding", the memorandum of understanding among the city, the hospital and the Quincy hospital unions dated June 12, 1999, and any amendments thereto mutually agreed to in writing and signed by the parties.

"New Quincy hospital", the hospital operated by the nonprofit corporation to which the assets of the hospital and assets relating to the operation of the hospital are transferred pursuant to this act.

"Quincy hospital unions", the various employee organizations which represent employees of the hospital and who are parties to the memorandum of understanding.

"Subsidiary", an organization which is controlled by another entity, directly or indirectly, by means of the entity or another subsidiary or affiliate of the entity being the sole member of such organization or having the power to appoint at least one-half of the members, shareholders or governing body of such organization or having retained reserved powers to approve significant activities of such organization or otherwise controlling the governing body of such organization.

SECTION 3. Notwithstanding the provisions of any general or special law or regulations promulgated thereunder to the contrary:

(a) The city, acting through the mayor, is hereby authorized to affiliate by transfer of all or substantially all of the assets of, or relating to the operation of, the hospital and all of the operations of the hospital to one or more corporations, or otherwise giving to one or more corporations management and control of all operations of the hospital and possession or use of all or substantially all of the assets of the hospital and all assets relating to the operation of the hospital, as the mayor deems necessary for the operation of the new Quincy hospital including: tangible personal property, such as equipment, inventories, supplies, medical records, furniture and automobiles; accounts receivable, notes receivable, cash, cash equivalents, securities, prepaid expenses and other current assets including assets held by the hospital and other health care facilities under its control; rights with respect to leases and subleases, governmental and administrative licenses, permits, authorizations, orders, registrations, certificates, variances, approvals, consents, and franchises used or useful in connection with the operation of the new Quincy hospital; patient lists; rights under any contracts relating to the operation of the hospital; business and financial records, books and materials; rights to insurance policies; and claims and other causes of action, and including all assets conveyed or transferred in accordance with the agreements referred to in paragraph (b), provided that all transfers of real property shall be governed by the provisions of paragraph (b). The definitive agreement may provide that, in consideration of any or all of the assets transferred to a corporation pursuant to this act, the city shall transfer certain obligations of, or relating to the operation of, the hospital to such corporation. The city is authorized to accept and hold notes, bonds and any other evidence of indebtedness of such corporation in

connection with the corporation's assumption of such obligations and the corporation's liability therefor may be secured by the corporation's mortgage or pledge of any or all of its revenues or assets to the city. Any corporation to which the city transfers the assets of or relating to the hospital and the operations of the hospital pursuant to this act shall be and shall agree to remain a nonprofit corporation which shall be operated so that no part of its net earnings or assets inures to the benefit of any private individual and so that its activities comply with all applicable laws prohibiting self-dealing or otherwise relating to conflicts of interest.

(b) In order to effectuate the affiliation authorized in paragraph (a), the city, acting through the mayor, is hereby authorized to enter into one or more agreements with a corporation or corporations with which an affiliation is authorized in accordance with paragraph (a), in such form and with such terms and conditions as the mayor, with the approval of the board of managers, may determine to be in the best interests of the city, including any provisions providing for indemnification as mutually agreed between the parties. The city, acting through the mayor and upon approval by a two-thirds vote of the city council, is hereby further authorized to transfer certain real property and facilities to one or more corporations under such terms and conditions as the mayor, with the approval of the board of managers, may determine from time to time to be in the best interests of the city; provided, however, that no deed conveyed by or on behalf of the city of Quincy of the title to the property described in section 2 shall be valid unless such deed provides that such property shall be used for the provision of health care services consistent with the purposes of this act.

(c) Upon the occurrence of the transfer authorized in paragraph (a), the corporation shall have all of the rights, powers, and authorities of a corporation established pursuant to chapter 180 of the General Laws and shall not be deemed to be an agency, commission, authority or other subdivision of the commonwealth or the city or an instrumentality of any of the foregoing for any purpose.

(d) The definitive agreement shall provide that, subject to the provisions of this subsection, the corporation shall provide a range of core inpatient, outpatient and diagnostic services at the new Quincy hospital that is comparable to those provided at the hospital immediately prior to the implementation date, provided that the termination of any major clinical service, including, without limitation, emergency services, by the corporation at the new Quincy hospital shall require approval by a vote of at least two-thirds of the governing board of the corporation and, in the case of emergency services, the approval of the city council and the mayor.

(e) The definitive agreement shall incorporate in full the memorandum of understanding.

(f) The corporation shall be organized and operated in accordance with the definitive agreement and no amendments shall be effected with regard to the articles of organization or by-laws of the corporation nor shall any changes to the operations of the corporation be implemented which are inconsistent with the terms of the definitive agreement as then in effect.

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(g) Upon the occurrence of the transfer authorized by this section, the corporation shall include as part of its corporate purposes or mission the promotion and support of the Boston Medical Center's academic training program and a recognition of the importance of being part of an outstanding scientific and educational community and of providing high quality education and training to the commonwealth's future physicians. The corporation shall serve as a teaching hospital and training site for the Boston Medical Center residential training program.

(h) The definitive agreement may provide that the city will make certain payments to the corporation under certain conditions and in consideration of (i) the corporation's assumption of liabilities of the hospital, and (ii) the corporation's promotion of health care for residents of the city. Any such payments from the city to the corporation shall be disregarded for purposes of determining the amounts payable to the corporation pursuant to chapter 118G of the General Laws.

(i) This act shall constitute a determination of need for purposes of licensure and change of ownership as well as a determination of suitability for change of ownership and also shall constitute approval of all transfers of ownership of any unimplemented determinations of need, pursuant to sections 51, 71 and any other relevant sections of chapter 111 of the General Laws or other provisions of the General Laws, and regulations promulgated thereunder, as may be required with respect to the need for (i) the change of ownership, licensure, operations or other approval relating to any corporation and its hospitals, clinics, health centers, home care operations, laboratories and other facilities that result from any transfer authorized by paragraph (a), including the corporation and hospital resulting from said transfer, (ii) the changes in ownership or control, directly or indirectly, of any subsidiary or affiliate of the hospital, (iii) the acquisition of all equipment necessary for the operation of a magnetic resonance imaging service, and (iv) the operation of a magnetic resonance imaging service. Upon application by any corporation or by its subsidiaries or affiliates the department of public health shall issue to such corporation or any such subsidiaries or affiliates a license or other certificate or approval as may be necessary or appropriate for it to establish, maintain, and operate (1) such hospitals, clinics, health centers, home care operations, laboratories and other facilities as had been maintained, operated, or owned by the hospital or any of its subsidiaries or affiliates prior to the transfer and (2) a magnetic resonance imaging service. To the extent required by law, the department of public health and the appropriate corporations shall enter into an agreement with respect to the continuation of the provision of uncompensated care.

(j) All contracts, including leases, mortgages, obligations, benefits, rights and liabilities of the city, the board of managers and the hospital that are transferred to a corporation pursuant to the terms of the definitive agreement and any provisions of this act shall continue in full force and effect in accordance with law and shall be transferred to, assumed by and imposed upon such corporation by operation of law.

SECTION 3A. (a) The city may issue from time to time its debt obligations to ef-

effectuate any of the purposes of this act, or to provide for the refinancing of bonds previously issued pursuant to this act or pursuant to the provisions of chapter 470 of the acts of 1985. Such debt obligations shall be issued in such amounts as the city council may authorize by a two-thirds vote with the approval of the mayor. All such debt obligations shall be negotiable for all purposes without regard to any other law, subject only to the provisions of any such debt obligations for registration. Debt obligations issued hereunder may be secured by a pledge of any revenues, receipts or other assets or funds received by the city in connection with the new Quincy hospital or from a corporation or otherwise, by mortgages or other instruments covering all or any part of any and all property whether real or personal, tangible or intangible, including any additions, improvements, extensions to or enlargements of any real property thereafter made, or by any one or more of the foregoing, all as may be determined by the city; provided that the only property or assets of the city that may be pledged as security for the debt obligations and available for the payment thereof shall be payments received under a financing agreement entered into pursuant to this act and proceeds of the city's exercise of rights thereunder and the monies held under the trust agreement entered into pursuant to this act. The city may loan the proceeds of such debt obligations to a corporation and in connection with the making of such loan may enter into such financing agreements and receive, hold and assign such payment obligations, and containing in each case such provisions, as the city may deem advisable to effectuate the purposes of this act. Debt obligations may be dated, may bear interest at such rate or rates, including rates variable from time to time, may be payable in any domestic or foreign currency and at any domestic or foreign location and may mature or otherwise be payable at such time or times as may be provided for by the city, and may be made redeemable or determinable prior to maturity at the option of the city or the holder thereof at such price or prices and under such terms and conditions as may be fixed by the city. The city shall determine the form of debt obligations and the manner of execution, denomination or denominations and place or places of payment thereof. In case any officer whose signature or a facsimile of whose signature shall appear on any debt obligations shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until after such delivery. The city may provide for the authentication of debt obligations by a trustee, fiscal agent, registrar or transfer agent. In the discretion of the city, debt obligations of the city may be issued with such terms as will cause the interest thereon to be subject to federal income taxation. The city may sell its debt obligations in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at discount in lieu of interest, as it determines will best effectuate its corporate purposes.

(b) In the discretion of the city, any debt obligations issued hereunder may be secured by a trust agreement between the city and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth, and any such trust agreement shall be in such form and executed in such manner as may be determined by the city. Such trust agreement may pledge or assign, in whole or in part, any

revenues and funds held or to be received, and any mortgages or other loan collateral held or to be acquired by the city, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the city, and the proceeds thereof, and the rights of the city under any financing agreement entered into in connection with bonds issued under this act. Such trust agreement and such financing agreement may contain such provisions for protecting and enforcing the rights, security and remedies of holders of debt obligations as may be reasonable and proper, including, without limiting the generality of the foregoing provisions as to: (1) pledging all or any part of the revenues of the new Quincy hospital, any revenue producing contract or contracts with any individual, partnership, corporation or association or other body, public or private, or any federally guaranteed security and monies received therefrom whether such security is acquired by the city or a corporation to secure the payment of the debt obligations, subject to such agreements with holders of debt obligations as may then exist; (2) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues; (3) the establishment and setting aside of reserves or sinking funds, and the regulations and disposition thereof; (4) limitations on the right of the city or its agents to restrict and regulate the use of the new Quincy hospital; (5) limitations on the purpose to which the proceeds of sale of any issue of debt obligations then or thereafter to be issued may be applied, including as authorized purposes, all cost and expenses necessary or incidental to the issuance of debt obligations, to the acquisition of or commitment to acquire any federally guaranteed security and to the issuance and obtaining of any federally insured mortgage note and pledging such proceeds to secure the payment of the debt obligations or any issue of the debt obligations; (6) limitations on the issuance of additional debt obligations, the terms upon which additional debt obligations may be issued and secured and the refunding of outstanding debt obligations; (7) the procedure, if any, by which the terms of any contract with holders of debt obligations may be amended or abrogated, the amount of debt obligations the holders of which must consent thereto, and the manner in which such consent may be given; (8) limitations on the amount of monies to be expended for operating, administrative or other expenses; (9) defining the acts or omissions to act which shall constitute a default in the duties of the city to holders of its debt obligations and providing the rights and remedies of such holders in the event of default; (10) the duties, obligations and liabilities of any trustee or paying agent; and (11) the mortgaging of real property for the purpose of securing the holders of debt obligations. In addition to other security provided herein or otherwise by law, debt obligations issued by the city may be secured, in whole or in part, by financial guaranties, by insurance or by letters of credit issued to the city, or a trustee, or any other person by any bank, trust company, insurance or surety company or other financial institution, within or without the commonwealth, and the city may pledge or assign, in whole or in part, any revenues and funds held or to be received, and any mortgages or other loan collateral held or to be acquired, by the city and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the city, and the proceeds thereof, as security

for such guaranties or insurance or for the reimbursement by the city to the issuer of any such letter of credit of any payments made under such letter of credit. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of debt obligations, revenues or other monies under any such trust agreement and to furnish such indemnification or to pledge such securities and issue such letters of credit as may be required by the city. Any such trust agreement may set forth the rights and remedies of holders of debt obligations and of the trustee and may restrict the individual right of action by holders of debt obligations.

(c) Any pledge of revenues or other property made by the city under the provisions of this act, including, without limitation, any pledge by the city of its rights to receive payments of any kind from or for the account of mortgagors under mortgages, participations therein or subsidy, guaranty, insurance or other contracts relating thereto, and of its revenues and other property, and of the mortgages, notes, such participations, such subsidy, guaranty, insurance or other contracts or other collateral, and of the proceeds of any or all thereof, shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code and other laws from the time when such pledge is made. The revenues, monies, property, rights and proceeds so pledged and then held or thereafter acquired or received by the city shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the city, regardless of whether such parties have notice thereof. Neither the trust agreement nor any other agreement by which a pledge is created need to be filed or recorded except in the records of the city, and no filing need be made under the Uniform Commercial Code or any other law.

(d) Any holder of a debt obligation issued by the city under the provisions of this act and any trustee under a trust agreement securing the same, except to the extent the rights herein given may be restricted by such trust agreement, may bring suit upon the debt obligations and may, either at law or in equity, by suit, action, mandamus or other proceeding for legal or equitable relief, including proceedings for the appointment of a receiver to take possession and control of the business and properties pledged to secure the bonds, to operate and maintain the same, to make any necessary repair, renewals and replacements in respect thereof and to fix, revise and collect fees or charges, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such trust agreement or other agreement and may enforce and compel the performance of all duties required by this act or by such trust agreement to be performed by the city or by any officer thereof.

(e) Debt obligations issued by the city under this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including

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capital in their control or belonging to them. Such debt obligations are hereby made securities which may properly and legally be deposited with and received by any commonwealth or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or obligations of the commonwealth is now or may hereafter be authorized by law.

(f) Debt obligations issued by the city under the provisions of this act shall not be deemed to be a debt or a pledge of the faith and credit of the commonwealth or the city, but shall be payable solely from the funds and other property from which they are made payable pursuant to the provisions of this act. All debt obligations issued by the city under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the commonwealth and by the cities, towns and other political subdivisions in the commonwealth.

(g) Debt obligations may be issued and debt may otherwise be incurred under this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof, and without any other proceedings or the happening of any condition or thing other than those proceedings, conditions or things which are specifically required therefor by this act.

(h) All debt obligations issued pursuant to this act shall contain on the face thereof a statement to the effect that neither the commonwealth nor the city shall be obligated to pay the same other than from the funds and other property from which they are made payable pursuant to the provisions of this act and that neither the faith and credit nor the taxing power of the commonwealth or the city is pledged to the payment of the principal of or interest on such debt obligations.

(i) Notwithstanding any provision of this act or any general or special law to the contrary, any action authorized to be taken in this section by the city may be taken by action of the mayor, acting singly, except as otherwise provided in the second sentence of subsection (a) of section 3A.

(j) All monies received pursuant to the authority of this act, whether as proceeds from the sale of debt obligations or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this act. Any officer with whom, or any bank or trust company with which, such monies shall be deposited shall act as trustee of such monies and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and the trust agreement securing such bonds may provide.

(k) Any debt obligations issued pursuant to this act shall not be included in determining the limits of indebtedness of the city as established by law nor shall the principal and interest payments thereof be included in any computation under section 21C of chapter 59 of the General Laws.

SECTION 4. (a) The memorandum of understanding is incorporated herein in its entirety.

(b) The following provisions shall apply with respect to the rights of hospital employees pursuant to the city's retirement system:

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(i) Each hospital employee in the city's retirement system upon affiliation shall be eligible to receive a two year increase in his years of service or age for enhancement of his retirement allowance. Individuals must apply within 60 days of termination of active service.

(ii) Any current hospital employee may upon affiliation buy up to three years of creditable service. The payment for such purchase shall be without interest and must be made within three years of application on such terms and conditions as established by the Quincy retirement board. Individuals must apply within 60 days of termination of active service.

(iii) Any current hospital employee who elects the retirement enhancement referred to in clauses (i) or (ii) above, or elects a retirement allowance pursuant to the provisions of section 5 or 10 of chapter 32 of the General Laws, and is employed by the new entity on the implementation date, will be eligible to participate in the city's health insurance program for retirees only after said employee leaves, either voluntarily or involuntarily, the employment of the new entity.

(iv) Any current hospital employee who is: (1) vested in the city's retirement system; (2) is not eligible to receive a retirement allowance immediately prior to the implementation date; (3) elects to receive a retirement allowance upon any date after becoming eligible to receive a retirement allowance; and (4) is employed by the corporation as of the implementation date, will be eligible to participate in the city's health insurance program for retirees only after said employee leaves, either voluntarily or involuntarily, the employment of the new entity.

(v) Members of bargaining units which are non-signatories to or, where applicable, do not ratify the memorandum of understanding shall be excluded from the terms of this subsection (b).

(c) Any corporation to which all or substantially all of the hospital's assets are transferred pursuant to section 3 shall, upon the effective date of such transaction, and as a condition to such transaction, be subject to the provisions of the memorandum of understanding. The city shall continue to recognize any labor organization as the lawful bargaining agent for any bargaining units of employees which had been recognized by it prior to the enactment of this act and shall maintain in effect and shall honor through September 30, 1999 all collective bargaining agreements last negotiated with such labor organizations for each such bargaining unit.

(d) Upon the transfer as authorized by section 3, no corporation shall, except as may be provided for in the definitive agreement, including the terms of the memorandum of understanding incorporated therein, or any affiliation agreement, have any responsibility for costs attributable to the service of any employee prior to or including the date of the transfer or merger or consolidation. The hospital will satisfy its liabilities to its employees for benefits accrued and unused while an employee of the hospital to the extent any such liability is not assumed by the corporation.

(e) The provision of services to a corporation created hereunder, pursuant to an agreement between the city and such corporation, by an employee of the city or hospital as

of the effective date of this act or by an employee who is a city or hospital employee immediately prior to the effective date of this act and who becomes an employee, officer or trustee of such corporation in accordance with the definitive agreement, shall not be deemed to violate the provisions of sections 17, 18, 19, 20 and 23 of chapter 268A of the General Laws.

(f) Nothing in this act shall limit the ability of the hospital or a corporation to change or terminate the employment status of any employees as and to the extent permitted by applicable law, any applicable collective bargaining agreements, and the memorandum of understanding.

SECTION 5. (a) The city and all other agencies and officers of the commonwealth are hereby authorized and directed to take such actions as may be necessary or desirable in the judgment of the city to effect the transactions authorized by this act, the transition of assets and employees, and the purposes of this act.

(b) In authorizing the affiliation for the benefit of the people of the commonwealth, and in full recognition of the implications thereof, it is declared to be the intent of this act to preempt the application to said transaction of all competition laws of the commonwealth, including chapters 93 and 93A of the General Laws.

SECTION 6. Subject to the approval of the city council and the mayor, the hospital is authorized to become a debtor under the United States Bankruptcy Code. This authorization shall be effective if the affiliation authorized in paragraph (a) of section 3 is not consummated.

SECTION 7. Effective as of the implementation date, the provisions of chapter 134 of the acts of 1919 and of chapter 312 of the acts of 1981, as most recently amended by sections 4 and 5 of chapter 130 of the acts of 1995, are hereby repealed.

SECTION 8. This act, being necessary for the health and welfare of the citizens of the commonwealth, shall be liberally construed to effect its purposes.

SECTION 9. The provisions of this act shall be deemed to provide an exclusive, additional, alternative and complete method for the effectuation of the purposes of this act and shall be construed to be supplemental to and not in derogation of, powers otherwise conferred by law on the city; provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation or any limitation imposed by a corporate or municipal charter, the provisions of this act shall be controlling.

Approved October 1, 1999.

Chapter 95. AN ACT AUTHORIZING THE TOWN OF NORFOLK TO INCUR DEBT FOR THE PURPOSE OF REMOVING OVERHEAD UTILITIES, REPLACING WITH UNDERGROUND FACILITIES, AND AUTHORIZING A SURCHARGE TO DO THE SAME.

Be it enacted, etc., as follows:

SECTION 1. The town of Norfolk may incur debt, outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws, for the purpose of removing or causing to be removed poles, overhead wires and associated overhead structures used in connection with the provision of public utilities and which are located upon, along or across public ways within its business (B-1) district, as defined in the Norfolk zoning by-law, and replacing the same with underground facilities. Any debt incurred hereunder shall otherwise be subject to the provisions of said chapter 44.

SECTION 2. Any utility organized and existing under the laws of or doing business in the commonwealth and which maintains poles, overhead wires or associated overhead structures within the town of Norfolk, and in the town, subject to a majority vote of its town meeting, may enter into, and from time to time amend, a cooperation agreement whereby (a) the town shall appropriate by borrowing under section 1 of this act and expend a sum or sums of money to remove or cause to be removed any poles and overhead wires and associated overhead structures located within its business (B-1) district, and, if needed, for the continuation of such utility's service, to replace the same or cause them to be replaced with underground facilities, and (b) the utility shall pay to the town in each calendar year for a period of years specified in such agreement an amount which shall be equal to 2 per cent of such utility's gross revenue derived during the next prior calendar year from its customers within the town but the total amount paid by the utility to the town over the term of the agreement shall not exceed the town's principal, interest, and costs associated with such borrowing.

SECTION 3. Any utility shall impose and collect a surcharge of 2 per cent on its total billing to each customer located in the town of Norfolk in addition to all other rates, charges and fees it may otherwise be authorized to impose and collect, as a contribution towards the cost of funding any agreement entered into by the utility and the town pursuant to this act.

SECTION 4. Any utility which enters into an agreement with the town of Norfolk pursuant to this act shall be exempt from any by-law adopted by the town under section 22D of chapter 166 of the General Laws for so long as such agreement remains in effect.

SECTION 5. This act shall take effect upon its passage.

Approved October 1, 1999.

Chapter 96. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO DISPOSE OF A CERTAIN EASEMENT IN THE CITY OF EVERETT.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance, in consultation with the commissioner of the metropolitan district commission, is hereby authorized, notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, to dispose of a certain easement not utilized by the commission, on a certain parcel of land described in section 2, located in the city of Everett, and to release any interest in and to the easement unto the owner or owners of the underlying fee interest therein, for the consideration of the construction, maintenance, repair and renovation by the owner or owners of a truck turning area on adjacent land remaining under the care and control of said commission, and subject to any other terms and conditions relative to such truck turning area as may be determined by said commissioner of capital asset management and maintenance.

SECTION 2. The easement was acquired by the metropolitan district commission by virtue of a taking instrument dated September 19, 1963, and registered with the Middlesex south registry district of the land court as Instrument No. 398224, noted on Certificate of Title No. 73296, and is shown as Parcel A on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Parks Division, Mystic River Basin Elevation Control Project, Everett, Plan of Takings and Easements, Benjamin W. Fink, Director of Parks Engineering", dated June 28, 1963, revised July 24, 1963, being Plan Accession No. 41390 V.T., which is filed with said Instrument No. 398224.

Approved October 1, 1999.

Chapter 97. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF OCTOBER AS ITALIAN-AMERICAN HERITAGE MONTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the annual observance of the month of October as Italian-American Heritage Month, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15DDDD the following section:-

Section 15EEEE. The governor shall annually issue a proclamation setting apart the month of October as Italian-American Heritage Month, in recognition of the significant contributions Italian-Americans have made to the commonwealth and to the United States

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and recommending that said month be observed in an appropriate manner by the people. After consultation with Italian-American groups, the governor may include in the proclamation such contributions as he shall see fit.

Approved October 7, 1999.

Chapter 98. AN ACT AUTHORIZING THE TOWN OF NORTON TO TRANSFER CONTROL OF CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

The town of Norton may transfer care, custody, management and control of certain land used for conservation and passive recreation purposes from the conservation commission of said town to the board of selectmen for temporary use as a staging area for the processing of sand and storage of dredge spoils for the proposed Norton reservoir dredging project. Upon completion of said project, said land shall revert to the care, custody, management and control of the conservation commission for conservation and passive recreation purposes. The parcels are shown as parcels 276-17 through 276-34 and parcels 277-35 and 277-36, and unconstructed ways shown as North Shore Way and South Shore Way, on Norton Assessor's Map nine.

Approved October 7, 1999.

Chapter 99. AN ACT PROHIBITING SMOKING IN ANY BUILDING USED FOR A FLEA MARKET.

Be it enacted, etc., as follows:

Chapter 270 of the General Laws is hereby amended by adding the following section:-

Section 23. (a) As used in this section, "flea market" shall mean that portion of a building then occupied by one or more vendors, other than retail stores, for sale to the public of new or used goods or products on a seasonal, limited or full schedule of operation. No person shall smoke in any building used for the purpose of operating a flea market, except as otherwise provided in this section. The owner, manager or other person in charge of such a building, shall post a notice in a conspicuous place at each entrance to such building indicating that smoking is prohibited therein, except in an area specifically designated as a smoking area. An area shall be designated as a smoking area only if nonsmoking areas of sufficient size and capacity are available to accommodate nonsmokers and if smoke from said smoking area is prevented from entering the no smoking area.

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(b) Except as otherwise provided herein, no person shall smoke in any snack bar operated in conjunction with a flea market, except in such designated smoking area as may be provided. Said smoking area shall be physically separated from the no smoking area and separately ventilated to the outside to prevent smoke from entering the no smoking area. The owner, manager or other person in charge of a snack bar shall not permit the smoke from such smoking area to be vented to the no smoking area.

(c) The owner, manager or other person in charge of such snack bar shall post a notice or sign in a conspicuous place at each entrance to such snack bar indicating that smoking is prohibited therein except in specifically designated areas, shall post signs identifying the no smoking area and the smoking area, and shall make a reasonable effort to insure that no person shall smoke in a no smoking area. Said reasonable effort shall include, but not be limited to, requesting that a person smoking in a no smoking area to either extinguish his cigarette, cigar or pipe, or move to a designated smoking area.

(d) Any person aggrieved by the willful failure or refusal to comply with any of the provisions of this section may complain in writing to a local health officer in the case of a snack bar or to the local building inspector in the case of all other facilities described in this section. Said authority shall respond in writing within 15 days to the complainant that the area described in the complaint has been inspected and said authority has enforced the provisions of this section. Said authority shall file a copy of the original complaint and its response thereto with the department of public health.

(e) No employer shall terminate or otherwise discriminate against any employee, independent contractor, or other worker for refusing to work in a smoking area or for exercising his rights under this section.

(f) Any person who violates this section by smoking where smoking is prohibited shall be subject to a civil fine not exceeding \$25. Any person who violates this section in any way other than by smoking in an area where smoking is prohibited shall be subject to a civil fine of \$50. Each day during which a violation of this section occurs shall be considered a separate violation.

(g) Fines assessed pursuant to this section shall be payable to the city or town in which the violation of this section occurs. A local board of health or health department shall enforce this section through noncriminal disposition.

(h) A city or town may, by ordinance or by-laws, establish a fund for the disposition of revenues received from fines levied in accordance with the provisions of this section. Said fund shall be expended under the authority of the municipal health department or local board of health for the purpose of public education on the hazards posed by secondhand smoke, also known as environmental tobacco smoke.

(i) Nothing in this section shall be construed to permit smoking in any area in which smoking is prohibited by law, including, without limiting the generality of the foregoing, any other provision of the law or ordinance or any fire, health, or safety regulation. This section shall not pre-empt the authority of any city or town to enact any ordinance, by-law or any fire, health, or safety regulation that limits or prohibits smoking in any place.

Approved October 7, 1999.

Chapter 100. AN ACT AUTHORIZING THE CHANGE OF CUSTODY AND USE OF CERTAIN LAND HELD BY THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester may change the custody and use of land owned by the city near the southeasterly boundary of Green Hill Park such that: (a) an area of not more than five acres of the 487 acres of land held by the city for park purposes and known as Green Hill Park, and located between Skyline drive and a tract of land consisting of approximately 30.8 acres now under the custody of the city manager and held for general purposes, the land having previously been the location of the former city nursing home known as Belmont Home, referred to in this act as Belmont Home land, together with land sufficient for vehicular access from Skyline drive to the Belmont Home land, shall be placed under the custody of the superintendent of public schools of Worcester for use as the site of a new vocational high school. The new vocational school to be sited pursuant to this act may be named the Dr. James L. Garvey Worcester Vocational Technical High School; (b) an area of not less than six acres of land located between Skyline drive, Belmont street and Mary Scano drive and held by the superintendent of schools for school purposes, referred to in this act as Vocational School land, shall be placed under the custody of the parks, recreation and cemetery commissioner of the city as an addition to Green Hill Park for park and recreation purposes; and (c) an area of not less than 15 acres on the easterly side of the Belmont Home land shall be placed under the custody of the parks, recreation and cemetery commissioner of said city as an addition to Green Hill Park for park and recreation purposes.

SECTION 2. The actions authorized by this act shall be contingent upon the following: (a) an area of approximately 9.62 acres of land currently owned by the commonwealth and under the care, custody and control of the commissioner of mental health identified as Lot 5 on a plan entitled, "Plan of Land in Worcester, Massachusetts (Worcester County) Scale 1" = 100', April 7, 1999", by the BSC Group, Inc., said parcel beginning at a concrete bound with drill hole found the southeasterly corner of said parcel, same point being at the northeasterly corner of Lot 2 as shown on said plan; thence, turning and running in part by a stone wall, N49°=57'37"W, 755.22 feet to a drill hole; thence, turning and running in part by a stone wall, N60°=22'44"E, 107.68 feet to a point; thence turning and running N36°=16'07"E, 713.72 feet to a point; thence, turning and running S33°=12'41"E, 458.11 feet to a point; thence, turning and running S14°=27'28"W, 755.05 feet to the point of beginning, being made the subject of a conservation restriction which the commissioner of the division of capital asset management and maintenance may impose on the land, after consultation with the department of mental health, in order to preserve the land in its present, natural, scenic and open condition, protect and promote the existing foot trails that connect the land to Green Hill Park, promote and enhance the educational and recreational opportunities for individuals served by the department of mental health and obligate the city of Worcester to undertake all maintenance and upkeep actions associated with the conservation restriction which shall preserve the land in its present, natural, scenic and open conditions. The consideration to be paid to the commonwealth by the city of Worcester for

the imposition of the conservation restriction shall be full and fair market value of such restriction as determined by an independent appraisal. The inspector general shall review and approve said appraisal and said review shall include an examination of the methodology used for said appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner for submission to the house and senate committees on ways and means and chairmen of the joint committee on state administration. The consideration to be paid to the commonwealth by the city of Worcester for the imposition of the conservation restriction may be, at the discretion of the commissioner, the city's written agreement to make the athletic and recreational facilities on and around the site of the proposed vocational high school available without charge to the clients of the department of mental health at such times and on such terms as are mutually agreed upon by the city and the department, provided that if the commissioner determines that the consideration should be such agreement, the commissioner shall provide a written disclosure in the central register, detailing the reasons for such determination. The consideration for said parcels shall take into account the obligations placed on the city required by this section and the benefits of the project to the surrounding communities. In the event that the city ceases to comply with the agreement or the restriction contained in paragraph (b) the restriction contained in this paragraph shall revert to the care and control of the division of capital asset management and maintenance and any further disposition of the restriction shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws; and (b) an area of approximately 4.6 acres of land owned by the city of Worcester and containing a portion of Coal Mine Brook near Lake Avenue North in said city being made the subject of a conservation restriction which shall preserve the land in its present, natural, scenic and open condition. The conservation restrictions required by this section shall be made in accordance with sections 31 and 32 of chapter 184 of the General Laws and be held jointly by the Greater Worcester Land Trust, Inc., and the conservation commission and the parks, recreation and cemetery commission of the city.

SECTION 3. The city of Worcester shall prepare and record in the Worcester district registry of deeds a plan of land describing the precise boundaries of the parcels as altered under authority of this act. The plan shall identify the parcels of land placed under conservation restrictions as a result of this act. The city shall pay all costs associated with the transactions authorized by this act, including without limitation, the cost of surveys, appraisals, documentation, recording and other costs.

SECTION 4. The commissioner of the division of capital asset management and maintenance shall 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen on the joint committee on state administration at least 15 days prior to execution.

SECTION 5. This act shall take effect upon its passage.

Approved October 8, 1999.

Chapter 101. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2000, PRIOR TO FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID FISCAL YEAR.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain obligations of the commonwealth, the sums set forth in section 2A are hereby appropriated for the fiscal year ending June 30, 2000, from the general fund, for the several purposes and subject to the conditions specified therein and subject to the provisions of law regulating the disbursement of public funds for said fiscal year.

NO SECTION 2.

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-1499 For a one-time loan to the city of Quincy for the purpose of facilitating the conversion of Quincy Hospital from ownership by the city of Quincy to ownership by a private nonprofit corporation; provided, that such loan shall be repaid by the city in three equal annual installments, without interest, commencing in fiscal year 2005 and ending in fiscal year 2007; provided further, that the terms of the loan shall be established by and subject to the terms of an agreement to be negotiated between the city, represented by the mayor thereof, and the secretary of administration and finance; provided further, that the state comptroller shall intercept cherry sheet payments, so called, due the city from the commonwealth upon certification by said secretary that said city is in default on the loan or any other terms of the agreement; provided further, that the proceeds of the loan shall be used by the city for the costs associated with said conversion, including, but not limited to, obligations of the hospital to the city for employee benefits and for any indebtedness incurred by the city on behalf of the hospital; provided further, that in the event that the financial commitments of the city to the hospital in fiscal years 2000 to 2004, inclusive, terminate for any reason prior to fiscal

year 2005, the annual installment payments of the loan shall become due in the fiscal year following the fiscal year in which the financial commitments terminate; provided further, that the city, in collaboration with the corporation, shall file annually with said secretary and with the secretary of health and human services, the house and senate committees on ways and means and the joint committee on health care a report delineating the benchmarks and milestones established by the corporation to achieve financial viability and the status of the corporation in achieving the benchmarks and milestones, including changes in patient volume and payer mix, the establishment and maintenance of community benefits by the corporation and the results of affiliations with other health care providers and health care entities; and provided further, that the report shall be filed not later than the January 1 following the end of each hospital fiscal year 2000 to 2004, inclusive \$12,100,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Division of Health Care Finance and Policy.

4100-0065 For the purpose, notwithstanding the provisions of any general or special law to the contrary, of awarding one-time hardship relief grants in hospital fiscal year 2000 to qualifying community health centers and acute care hospitals; provided, that the division shall establish award criteria for the grants consistent with the provisions of this item and the recommendations of the advisory council established herein; provided further, that the criteria shall, at a minimum, make eligible for such grants those community health centers and acute care hospitals that reflect the following circumstances: (1) when an applicant which is an acute care hospital is negatively impacted as a direct result of the loan being made pursuant to item 1599-1499; provided, that such applicant is located in a hospital service delivery area adjacent to the municipality benefiting from the loan and such applicant incurs among the highest uncompensated care costs of acute care hospitals in the commonwealth; (2) when an applicant which is a freestanding or hospital licensed community health center is experiencing severe financial distress as evidenced by substantial operating def-

icits or substantial negative fund balances which jeopardizes the delivery of health care services to vulnerable populations; provided further, that such applicant incurs disproportionately high uncompensated care costs pursuant to regulations of the division; or (3) when an applicant which is an acute care hospital is substantially impacted by the recent or imminent withdrawal of a Medicare health maintenance organization from the service delivery area in which the applicant provides services; provided further, that such criteria shall be submitted to the secretary of administration and finance and the house and senate committees on ways and means at least ten days prior to the adoption or promulgation thereof; provided further, that such applicant shall demonstrate strong management practices or an ability and willingness to develop such practices that are intended to alleviate any recurring need for such grants; provided further, that such applicant shall provide documentation requested by the division to substantiate requests for such grants including, but not limited to, information on the number of patients served and the cost and types of services provided to the patients; provided further, that such applicant shall submit to financial review by the division; provided further, that an advisory group consisting of the commissioner of medical assistance, the commissioner of public health, the executive director of the Massachusetts League of Community Health Centers, the president of the Massachusetts Hospital Association and the secretary of health and human services, or the designees of any such member thereof, shall recommend to the division not later than 30 days after the effective date of this item, the most efficacious and equitable means of awarding the grants authorized herein; provided further, that the recommended criteria shall be consistent with the provisions of this item; and provided further, that said secretary shall chair the advisory group \$7,000,000

SECTION 3. This act shall take effect upon its passage.

Approved October 8, 1999.

Chapter 102. AN ACT ESTABLISHING THE CRIME OF TRESPASS ON A SCHOOL BUS.

Be it enacted, etc., as follows:

Section 120 of chapter 266 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "another", in line 3, the following words:- , or enters or remains in a school bus, as defined in section 1 of chapter 90.

Approved October 14, 1999.

Chapter 103. AN ACT AUTHORIZING THE TOWN OF DANVERS TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority in the town of Danvers may issue one additional license for the sale of wine and malt beverages to be drunk on the premises located at 65 Newbury street under the provisions of section 12 of said chapter 138. The license shall be subject to all of the provisions of said chapter 138 except said section 17. If license ceases to be used at the premises located at 65 Newbury street, the license shall revert to the town.

SECTION 2. This act shall take effect upon its passage.

Approved October 14, 1999.

Chapter 104. AN ACT AUTHORIZING THE TOWN OF DENNIS TO ESTABLISH A CAPITAL IMPROVEMENTS FUND.

Be it enacted, etc., as follows:

SECTION 1. The town of Dennis may establish and maintain a special account to be known as the Capital Improvements Fund, and to raise and appropriate money therefor.

SECTION 2. The Capital Improvements Fund shall be maintained by the town treasurer as a separate account. The treasurer may invest the funds in such separate account in the manner authorized in sections 55 and 55B of chapter 44 of the General Laws. Any interest earned thereon shall credited to and become part of the separate account.

SECTION 3. The town may appropriate by a two-thirds vote at any special or annual town meeting such sums as may be available in the Capital Improvements Fund for any capital purchase or expenditure to the town.

SECTION 4. This act shall take effect upon its passage.

Approved October 15, 1999.

Chapter 105. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF YARMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Subsection 3-4-2 of section 3-4 of chapter 3 of the charter of the town of Yarmouth, as appearing in section 1 of chapter 133 of the acts of 1997, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The group of department heads shall include those who are designated as such by the town administrator, as outlined in section 4-6.

SECTION 2. Section 4-4 of chapter 4 of said charter is hereby amended by striking out subsection 4-4-2 and inserting in place thereof the following subsection:-

4-4-2 Appointments to the position of division head, as determined by the town administrator under section 4-6, shall become effective no later than the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen, unless two-thirds of the members of the board of selectmen shall vote to reject such an appointment within such period. All other appointments made or approved by the town administrator shall be effective immediately.

SECTION 3. This act shall take effect upon its passage.

Approved October 15, 1999.

Chapter 106. AN ACT RELATIVE TO THE CONSERVATION COMMISSION OF THE TOWN OF WESTON.

Be it enacted, etc., as follows:

The conservation commission of the town of Weston may provide, by rules promulgated under this act, for the imposition of reasonable fees for the employment of outside consultants and shall account for and expend such funds in accordance with section 53G of chapter 44 of the General Laws.

Approved October 15, 1999.

Chapter 107. AN ACT RELATIVE TO THE NUMBER OF TRUSTEES OF WILLIAMS COLLEGE.

Be it enacted, etc., as follows:

Chapter 15 of the acts of 1793 is hereby amended by striking out the third paragraph, as most recently amended by chapter 107 of the acts of 1977, and inserting in place thereof the following paragraph:-

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For the more orderly conduct of the business of the Corporation, the President and Trustees shall have full power and authority, from time to time, as they shall determine, to elect a Vice President and Secretary of the Corporation and to declare the tenures and duties of their respective offices and to remove any Trustee from the Corporation when, in their judgment, a Trustee is rendered incapable, by age or otherwise, of discharging the duties of the office or has neglected or refused to perform the same; and to fill all vacancies in the Corporation, by electing such persons as Trustees as they shall judge best. The number of the Trustees, including the President of the College, shall be determined by the Trustees from time to time as provided in the by-laws of the College.

Approved October 22, 1999.

Chapter 108. AN ACT AUTHORIZING GERALD M. CULLEN TO TAKE THE CIVIL SERVICE EXAMINATION FOR THE POSITION OF FIREFIGHTER IN THE TOWN OF TEWKSBURY NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary regulating the maximum age of applicants for appointment as firefighter, Gerald M. Cullen of the town of Tewksbury shall be eligible to take the next open competitive examination for appointment to the position of firefighter in said town of Tewksbury; provided, however, that he meets all other requirements, shall be eligible for certification and appointment to the fire department of said town of Tewksbury.

Approved October 22, 1999.

Chapter 109. AN ACT RELATIVE TO THE ELECTION OF MEMBERS TO THE PENSION RESERVE INVESTMENT BOARD.

Be it enacted, etc., as follows:

Section 23 of chapter 32 of the General Laws is hereby amended by striking out, in lines 237, 238 and 241, as appearing in the 1998 Official Edition, the word "commissioner", each time it appears, and inserting in place thereof, in each instance, the following word:- board.

Approved October 28, 1999.

Chapter 110. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2000, PRIOR TO FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID FISCAL YEAR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the amount of \$1,580,000,000 is hereby appropriated for the fiscal year ending June 30, 2000 to meet necessary expenditures prior to the enactment into law of the general appropriation act for said fiscal year, for the maintenance and operations of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for local aid payments and lottery distributions, for payments from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund, for other necessary services, and for meeting certain requirements of law; provided, however, that said amount shall be in addition to the amounts made available for said purposes in section 1 of chapter 25 of the acts of 1999, section 1 of chapter 43 acts of 1999, section 1 of chapter 65 of the acts of 1999 and section 1 of chapter 90 of the acts of 1999; provided further the authorization contained herein shall cease to be operative as of the effective date of said general appropriation act and all actions taken under this section shall apply against the general appropriation act; and provided further, that all expenditures made under this authorization shall be consistent with appropriations made in the general appropriation act.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on October 31, 1999, but which are necessary to fund obligations subsequent to that date, are hereby re-authorized through November 30, 1999; provided, however, that the re-authorizations contained herein shall terminate upon enactment of capital account extension legislation.

SECTION 3. Section 1 shall take effect as of July 1, 1999. Section 2 shall take effect as of June 30, 1999.

Approved October 29, 1999.

Chapter 111. AN ACT AUTHORIZING THE TOWN OF CHARLTON TO ISSUE THREE ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Charlton may issue, in accordance with the provisions of

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section 15 of said chapter 138, three additional licenses for the sale of all alcoholic beverages not to be drunk on the premises. The licenses shall be su all the provisions of said chapter 138 except said section 17.

Approved November 1, 1999.

Chapter 112. AN ACT AUTHORIZING THE PLACEMENT OF A PORTABLE CLASSROOM ON JACKSON PARK IN THE TOWN OF SWAMPSCOTT.

Be it enacted, etc., as follows:

The board of selectmen and the school committee of the town of Swampscott with the approval of the town board of public works may place a portion of a portable school classroom on certain park land owned by the town and known as Jackson Park in an area not to exceed 2,500 square feet adjacent to the Machon Elementary School as shown on a plan titled "Machon Elementary School Trailer, Option A, dated June 14, 1999, Swampscott School Department" on file with the board of selectmen.

Approved November 1, 1999.

Chapter 113. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL TOWN MEETING HELD IN THE TOWN OF HALIFAX.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Halifax at its annual town meeting held on May 11, 1998 are hereby ratified, validated and confirmed to the same extent as if the warrant for such meeting had been published and posted as required by law.

SECTION 2. This act shall take effect upon its passage.

Approved November 1, 1999.

Chapter 114. AN ACT AUTHORIZING THE TOWN OF PALMER TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Palmer may issue an additional license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section 12 of said chapter 138 to D.P.Z., Inc., d/b/a Apollo I Pizza and Restaurant. The license shall be subject to all the provisions of said chapter 138 except said section 17; provided, however, that the licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location for not less than one year. The issuance of the license shall reduce by one any increase in the number of licenses authorized due to census reapportionment under the provisions of said section 17.

SECTION 2. This act shall take effect upon its passage.

Approved November 4, 1999.

Chapter 115. AN ACT AUTHORIZING THE TOWN OF PALMER TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Palmer may issue an additional license for the sale of wine and malt beverages to be drunk on the premises under the provisions of section 12 of said chapter 138 to Donna Lee Food, Inc., d/b/a The Chicken Coop. The license shall be subject to all the provisions of said chapter 138 except said section 17; provided, however, that the licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location for not less than one year. The issuance of the license shall reduce by one any increase in the number of licenses authorized due to census reapportionment under the provisions of said section 17.

SECTION 2. This act shall take effect upon its passage.

Approved November 4, 1999.

Chapter 116. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO CONVEY CERTAIN LAND TO THE TOWN OF SOMERSET.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Bristol county are hereby authorized to convey, without consideration, certain parcels of conservation land to the conservation com-

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mission of the town of Somerset for the purpose of a coastal access path. The parcels of land located in the town are more particularly described as the parcels set forth in an order of taking dated July 1, 1980 and recorded in the Fall River district of the Bristol county registry of deeds Book 1319, Pages 89 to 96, inclusive.

SECTION 2. The town of Somerset shall be responsible for any costs incurred in the course of the conveyance as proposed in section 1.

SECTION 3. This act shall take effect upon its passage.

Approved November 4, 1999.

Chapter 117. AN ACT AUTHORIZING THE TOWN OF AMHERST TO CONVEY A CERTAIN EASEMENT.

Be it enacted, etc., as follows:

SECTION 1. The town of Amherst may transfer care, custody and control of a certain portion of a conservation maintenance easement from the conservation commission to the select board of the town. The select board may convey this portion of the conservation maintenance easement to Seymour and Alice Epstein or their successors and assigns. This portion of easement is shown on a plan of land entitled "Plan of Land in Amherst Prepared for Seymour and Alice Epstein", dated February 24, 1998.

SECTION 2. In consideration of the easement authorized in section 1, Seymour and Alice Epstein shall convey to the town of Amherst an easement for conservation maintenance purposes as shown on the plan described in section 1.

Approved November 4, 1999.

Chapter 118. AN ACT VALIDATING THE AUTHORIZATION OF CERTAIN BONDS BY THE HOLMES PARK WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 10 of chapter 44 of the General Laws or any other general or special law to the contrary, the proceedings taken by the Holmes Park Water District on October 22, 1998 and September 20, 1999 by which it was voted to authorize the borrowing of \$143,000 to replace water mains and pay all other costs incidental and related thereto within said district are hereby ratified, validated and confirmed and said bonds may be issued.

SECTION 2. This act shall take effect upon its passage.

Approved November 5, 1999.

Chapter 119. AN ACT RELATIVE TO CERTAIN CONSERVATION RESTRICTIONS IN THE TOWN OF SUDBURY.

Be it enacted, etc., as follows:

SECTION 1. The town of Sudbury, acting by its board of selectmen, is hereby authorized to release a certain parcel of land subject to the conservation restriction granted to the town by Arden B. MacNeill on June 13, 1984, and recorded at Middlesex south district registry of deeds, Book 15697, Page 022, from said restriction. The parcel of land to be released is shown as Parcel "A" on a plan entitled "(EASEMENT PLAN) PLAN OF LAND IN SUDBURY, MASS.", recorded at Middlesex south district registry of deeds, Book 23418, Page 488, dated February 23, 1996, Zanca Land Surveyors Inc.

In consideration for the release of said conservation restriction, George L. and Marjorie Corkin Kaplan, owners of said parcel of land, shall grant to the town of Sudbury a conservation restriction on the land shown as Parcel "B" on said plan.

SECTION 2. Section 1 of chapter 443 of the acts of 1993 is hereby amended by striking out, in line 4, the words "Book 17249, Page 611" and inserting in place thereof the following:- Book 15697, Page 022.

SECTION 3. Section 2 of said chapter 449 is hereby amended by striking out, in line 4, the words "Book 17249, Page 611" and inserting in place thereof the following:- Book 15697, Page 022.

SECTION 4. Section 1 of chapter 122 of the acts of 1998 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The town of Sudbury, acting by its board of selectmen, is hereby authorized to release a certain parcel of land subject to the conservation restriction granted to the town by Arden B. MacNeill on June 13, 1984 and recorded at Middlesex south district registry of deeds, Book 15697, Page 022 from said restriction.

SECTION 5. This act shall take effect upon its passage.

Approved November 5, 1999.

Chapter 120. AN ACT RELATIVE TO CERTAIN SCHOOL CONSTRUCTION PROJECTS IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, in order to implement its school building program, the city of Medford may, in addition to the pre-qualification requirements pursuant to section 44D of chapter 149 of the General Laws, establish and impose a requirement that only contractors and subcontractors with a workers' compensation experience modification factor, as promulgated by the workers' compensation rating bureau, of 125 per cent or less shall be eligible to submit a bid or offer;

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provided, however, that any contractor or subcontractor with a modification factor of up to 135 per cent shall be eligible to submit a bid or offer, if that modification factor was caused by a single loss. The school building program of the city of Medford shall not be subject to the provisions of section 44F of chapter 149 of the General Laws. For the purpose of this act, the words "school building program" shall mean the design, construction and equipping of five new schools within the city of Medford to accommodate students in grades kindergarten through grade eight and the renovation or demolition of any structures at any of the existing sites at said schools.

SECTION 2. This act shall take effect upon its passage.

Approved November 5, 1999.

Chapter 121. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY PERMANENT AND TEMPORARY EASEMENTS ON STATE PROPERTY IN THE CITY OF BOSTON TO EMERSON COLLEGE.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance is hereby authorized, notwithstanding the provisions of sections 40E to 40I, inclusive, of chapter 7 of the General Laws to convey to Emerson College, a nonprofit educational institution, the permanent and temporary easements burdening certain property owned by the commonwealth as more particularly described in this act. Said easements shall be used for educational purposes and shall be subject to such conditions, as are more particularly set forth in this act and to such further terms and conditions as the commissioner may prescribe.

The property upon which the commissioner is hereby authorized to convey permanent easements contains approximately 7,000 square feet, abutting the state transportation building located at Park Plaza in the city of Boston and is located off the center line of Allen's Alley, a private way, bounded as follows:

NORTHERLY by the center line of Allen's Alley;

EASTERLY by other land of Emerson College; and

SOUTHERLY and WESTERLY by other land of the commonwealth of Massachusetts; and such other property of the commonwealth as is described in section 2.

The property upon which the commissioner is hereby authorized to convey temporary easements shall be more particularly shown on a survey to be prepared by the college at its expense and approved by the commissioner.

SECTION 2. The permanent easements may permit the college to construct within the easement areas improvements approved by the commissioner of capital asset management and maintenance and acceptable to any master tenant in the state transportation

building, including piles and footings, a building and appurtenant facilities and utilities, and structures connecting the new building to the college's building at 120 Boylston street in the city of Boston. The building may contain 13 levels, two below grade, none at grade, and 11 above grade beginning at an elevation above grade as the commissioner may approve. The structures connecting the new building to the college's building at 120 Boylston street may be constructed both below grade and above grade having such elevations as the commissioner may approve. The permanent easements may allow the college to construct, at grade, a covered loading dock, loading and service facilities and service circulation for use by the state transportation building, other property of the college known as the Emerson Majestic Theatre, located at 219 Tremont street in the city of Boston and the new building and, at the northeasterly most portion of the easement area, at grade, an elevator core and stairs to serve the new building. The new building may be attached to and integrated with the theatre and the college's building at 120 Boylston street.

The permanent easements may include easements through the state transportation building for emergency access onto Tremont street and easements for encroachments and support burdening the remainder of the state transportation building property, provided that such access, encroachments and support shall not adversely impact the structure, functions, operation or value of the state transportation building. The permanent easements also may include easements for access, utilities and drainage over other property of the commonwealth.

SECTION 3. The temporary easements authorized to be conveyed to the college may consist of those rights burdening the remainder of the state transportation building and such other property of the commonwealth as the commissioner of capital asset management and maintenance, in consultation with any master tenant, may determine are acceptable and are reasonably necessary to enable the college to realize the benefits of the permanent easements and to enable the college to perform certain work on the state transportation building and other commonwealth property in connection therewith, provided that such temporary easements shall not adversely impact the structure, functions, operation or value of the state transportation building or any other commonwealth property.

SECTION 4. The commissioner of capital asset management and maintenance is hereby authorized, notwithstanding any general or special laws to the contrary, receive such easements and other rights, including rights burdening the building and other improvements of the college in the easement area, as may be necessary in the commissioner's discretion to protect the interests of the commonwealth, any master tenant and the condition, operation, function and value of the state transportation building and other property of the commonwealth.

SECTION 5. The college shall pay the full and fair market value of the easements, as determined by the commissioner of capital asset management and maintenance, based upon an independent appraisal prepared for the division of capital asset management and maintenance and paid for by the college.

The inspector general shall review and approve said appraisal and the review shall include a review of methodology utilized for said appraisal. Said inspector general shall prepare a report for his review and file the report with the commissioner for submission to the house and senate committees on ways and means and chairmen of the joint committee on state administration in accordance with section 12.

The easements authorized to be conveyed under this act shall be subject to and include the requirements set forth in this act and the following additional terms: (a) the college shall coordinate any work performed by the college in the easement areas, Allen's Alley, at the state transportation building or other property of the commonwealth, with and to the satisfaction of said division of capital asset management and maintenance and any master tenant of the state transportation building in order to ensure that the work does not interfere with the condition, operation, value or function of the state transportation building, such other property, or Allen's Alley all subject to clause (k); (b) the college shall provide to said division of capital asset management and maintenance payment and performance bonds issued by sureties authorized to issue bonds in the commonwealth, covering all of the work by or on behalf of the college in the easement areas, Allen's Alley at the state transportation building and at any other property of the commonwealth; (c) the college shall carry casualty and liability insurance to cover loss or damage to persons, property, Allen's Alley, the easement areas, the state transportation building and other property of the commonwealth which may occur during construction, operation and maintenance of the building and other improvements, repairs and replacements in the easement areas and while work at the state transportation building or other property of the commonwealth is being performed, with all such insurance to be in such form, in such amounts and with such companies licensed to issue insurance policies in the commonwealth as the commissioner may require; (d) the college shall name the commonwealth, said division of capital asset management and maintenance and any master tenant as additionally insured parties on all such policies of insurance; (e) notwithstanding any oversight, review or approval of plans, specifications, design, construction or other work by the commonwealth or any master tenant in connection with improvements, alterations, or other work and in connection with the existence, operation, maintenance, repair and replacement of improvements in the easement areas, state transportation building or other property of the commonwealth by or on behalf of the college, the college shall be solely liable for and shall indemnify, defend and hold harmless the commonwealth, the division of capital asset management and maintenance and master tenant with respect to all liabilities, including without limitation all liabilities, in tort, in contract, at law, and in equity, arising from (i) any design, construction and other work performed in the easement areas, Allen's Alley, the state transportation building or other property of the commonwealth, (ii) the existence, construction, operation, maintenance, repair and replacements of the building or other improvements at the state transportation building, other property of the commonwealth, Allen's Alley or in the easement areas; and (iii) the college's exercise of the permanent or temporary easements granted under this act; (f) the college shall

build the building and undertake the work at the state transportation building and other improvements only in accordance with plans and specifications and a construction schedule approved by the commissioner and any master tenant and shall diligently and continuously pursue any construction or other work to completion once commenced; (g) if following a casualty, the college intends to restore the building and other improvements in the easement areas, that it do so only in accordance with plans and specifications and a construction schedule approved by the commissioner and shall diligently pursue such restoration to completion once commenced and if, following a casualty, the college does not intend to restore the building and other improvements in the easement areas, the college shall remove the building and all of the improvements made by or on behalf of the college from the easement areas and restore the same to good condition, provided that the college shall restore the loading and service facilities and access to and from Allen's Alley in any event promptly upon the occurrence of a casualty; (h) during construction of the building and any other improvements, there will be service access and loading available to the state transportation building and all other affected property of the commonwealth, satisfactory to the commissioner and master tenant and to that end, no construction of the building or any other improvements by or on behalf of the college will take place from the time construction is started on the premises numbered 144 to 150 Boylston street in the city of Boston through the date there is substantial completion of such construction; (i) the architects, surveyors and contractors to be used by the college for construction of the building or other improvements in the easement areas, Allen's Alley and work at the state transportation building will be subject to the prior approvals of the commissioner and any master tenant, and all construction and work done by the college will be done in good and workmanlike manner in compliance with all applicable laws and shall in no way adversely affect the function, operation, condition or value of the state transportation building or other property of the commonwealth; (j) the structural integrity of the state transportation building, other property of the commonwealth and Allen's Alley, both during and after construction all subject to clause (k), shall not be adversely affected; (k) that any plan for construction involving Allen's Alley, the state transportation building or other property of the commonwealth, shall be subject to the approval of the commissioner and master tenant; (l) the college shall pay for all labor and materials properly performed and supplied in a timely manner; (m) the college may only use the easement areas and the building and other improvements located therein for educational uses and uses accessory thereto; (n) the commonwealth shall have the right to exercise self-help rights to cure any defaults of the terms and conditions of the easements or related agreements by the college and to be promptly reimbursed by the college for all costs and expenses incurred by the commonwealth in exercising such rights; (o) the college shall be solely responsible for all costs and expenses to construct, repair, replace, operate and manage the loading dock, service and loading facilities and service circulation in the easement areas and in Allen's Alley, all of which loading dock, service and loading facilities shall be owned by the commonwealth and shall be shared with the college and any master tenant, subject to the terms and conditions imposed by the commissioner in the easements

authorized by this act and subject to such additional terms and conditions imposed by any master tenant in connection with its master lease; and (p) such additional provisions as the commissioner may impose in consultation with any master tenant.

SECTION 6. The commissioner of capital asset management and maintenance is hereby authorized, notwithstanding any general or special laws to the contrary, contract with the college and its designers and contractors, to undertake any design, construction, alterations to and other work on, the state transportation building, including its systems, structure and appurtenances and other property of the commonwealth, as may be necessary to effectuate the purposes of this act; provided that all such alterations and other work shall be paid for by the college, shall be acceptable to said commissioner, and shall not adversely affect the operation, condition or value of the state transportation building, such other property of the commonwealth, the easement areas or Allen's Alley. The easements authorized by this act shall provide that, notwithstanding any contracting by or review, approvals or oversight of plans, specifications, design or construction by said division of capital asset management and maintenance, other agencies of the commonwealth or any master tenant, the college shall be solely responsible for all liabilities associated with the design and construction of such alterations to and other work on, the state transportation building, other property of the commonwealth, Allen's Alley and the easement areas, and for ensuring that there is no adverse effect on the function, operation, condition or value of the state transportation building, other property of the commonwealth, Allen's Alley, the easement areas and the master tenant's interests in the state transportation building, such other property, the easement areas and Allen's Alley, as a result of the alterations and work.

SECTION 7. The college shall be solely responsible for all costs of the transactions, work, improvements and alterations authorized by this act, including without limitation: the reasonable costs of all consultants, attorneys and investigations of the division of capital asset management and maintenance and the master tenant in connection with said transactions and with any peer review and oversight of the college's design, construction and other work; the cost of all work in the easement areas, Allen's Alley, the state transportation building, and any other property of the commonwealth under this act; the cost of all operation, maintenance, repair, restoration and taxes associated with the building, the service areas, other improvements or alterations made by or on behalf of the college; and, the cost of all appraisals and surveys.

SECTION 8. The easements authorized by this act may be pledged, mortgaged or conveyed by the college in any manner the college deems necessary, subject to the provisions of this act, to the uses authorized by this act and to the terms and conditions imposed by the commissioner. If any easements authorized to be conveyed by this section are conveyed to any entity other than a nonprofit educational institution or the mortgage lender that finances the building and improvements or are conveyed without a use restriction allowing only the educational uses authorized by this act, then, upon notice by the commissioner of the division of capital asset management and maintenance, the easements together with all buildings and improvements located thereon shall revert to the commonwealth subject to such terms and conditions as the commissioner may specify.

SECTION 9. The master tenant shall have the right to approve the college's use of the easement areas, the college's use, operation and rights in the state transportation building, the college's construction and alterations to the loading dock and service and loading facilities available to the state transportation building and any other improvements and work associated with the building, Allen's Alley, the easement areas, and the state transportation building by or on behalf of the college and any agreements creating or conveying the temporary or permanent easements relating thereto.

SECTION 10. The obligations and provisions of this act shall bind the college and its successors and assigns.

SECTION 11. Nothing in this act shall be interpreted as limiting or otherwise affecting any provision of chapter 240 of the acts of 1984.

SECTION 12. The commissioner of capital asset management and maintenance shall, 30 days before the execution of any agreement authorized by this act or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. Said inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports and the comments of said inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days prior to the execution.

Approved November 5, 1999.

Chapter 122. AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE TOWN OF WESTBOROUGH TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Westborough may issue to Westborough Management Associates, Inc., a license for the sale of all alcoholic beverages by an innholder duly licensed to conduct a hotel under the provisions of section 12 of said chapter 138, such beverages to be drunk on the premises at 9-15 Connector road in said town. The license shall be subject to all the provisions of said chapter 138 except section 17; provided, however, that the licensing authority shall not approve the transfer of the license to any other location.

Approved November 10, 1999.

**Chapter 123. AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH TO
ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF
ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Westborough may issue to Four Friends Inc., d/b/a Ziti's Italian Trattoria a license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section 12 of said chapter 138; provided, however, that upon the issuance of the license, Four Friends Inc. shall return to said town the seasonal license for the sale of all alcoholic beverages to be drunk on the premises it currently holds. Such license shall be subject to all the provisions of said chapter 138 except section 17; provided, however, that said licensing authority may only approve a transfer of location by Four Friends Inc.

Approved November 10, 1999.

Chapter 124. AN ACT RELATIVE TO THE LANCASTER SEWER DISTRICT.

Be it enacted, etc., as follows:

Section 8 of chapter 831 of the acts of 1967 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For the purpose of paying the necessary expenses and liabilities incurred under this act, the district may from time to time, borrow such sums as may be necessary, and may issue bonds or notes therefor, which shall bear on their face the words, Lancaster Sewer District Loan, Act of 1967.

Approved November 10, 1999.

**Chapter 125. AN ACT VALIDATING THE ACTION TAKEN AT A SPECIAL
DISTRICT MEETING AND A SPECIAL DISTRICT ELECTION OF
THE TANTASQUA REGIONAL SCHOOL DISTRICT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the acts and proceedings taken by the Tantasqua Regional School District at its meeting held on January 19, 1999 and at its district election held on March 1, 1999, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if such meeting and election had been in full compliance with law.

SECTION 2. This act shall take effect upon its passage.

Approved November 13, 1999.

Chapter 126. AN ACT ESTABLISHING A NONPROFIT HOUSING CORPORATION FOR THE TOWN OF BELMONT.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established a nonprofit housing corporation to be known as the Belmont Housing Trust, Inc., which shall be subject to the supervision of the board of selectmen of the town of Belmont. Said corporation shall be governed by a board of directors, in this act referred to as the board. The board shall consist of not less than five nor more than nine members, who shall be appointed by the board of selectmen for staggered three year terms as designated by the board of selectmen, such appointments to be made annually by the board of selectmen on or before July 1. Members shall serve until their successors are appointed and qualified. Continuing members may act despite vacancies in the board and for this purpose shall be deemed to constitute a full board. Any vacancy in the board, however occurring, shall be filled by the board of selectmen for the unexpired portion of the term.

Said board of directors of the Belmont Housing Trust, Inc. shall exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for the provision of and providing affordable housing for persons of low, moderate and middle income, and others whose needs may be identified from time to time in the town of Belmont. The powers and duties of the board as set forth herein are intended to be alternative and supplemental to, and not in limitation of, the powers and duties of the Belmont Housing Authority established pursuant to chapter 121B of the General Laws. The liability of the board and its members shall be limited to the same extent as the liability of a public employer and public employees as provided in section 2 of chapter 258 of the General Laws.

SECTION 2. (a) The board of directors of the Belmont Housing Trust, Inc. shall have the powers and privileges conferred by the provisions of clauses (a) to (i), inclusive, and clause (k) of section 9 of chapter 156B of the General Laws, and the following powers, but that no such power shall be exercised either in a manner inconsistent with this act or any general or special law, and the board shall not carry on any activity which is not in furtherance of the purposes set forth in this act:

(1) to adopt, amend, and repeal corporate by-laws, said by-laws to be subject to the approval of the board of selectmen, for the regulation and conduct of its business including, but not limited to, the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy;

(2) to elect a chairperson and vice-chairperson, each of whom shall be members of the board, and a secretary and a treasurer, who need not be members of the board and who may be the same person. The treasurer shall give bond for the faithful performance of his duties in a form and amount approved and affixed by the board of selectmen, the cost of which bond shall be paid from funds of the board. The chairperson and in the chairperson's absence, the vice-chairperson shall chair meetings of the board. The secretary shall be the custodian of all books, documents and papers filed with the board and of the minute book or journal of the board;

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(3) to make and execute all contracts and all other instruments necessary or convenient for the exercise of its power and functions, subject to approval of the town counsel of the town of Belmont as to form;

(4) to acquire or lease, by purchase, gift or otherwise, and to own, hold and use, on such terms and conditions and in such manner as it may deem proper, and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests or to otherwise dispose of; on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easements or rights therein and assets or revenues of said board, as may be necessary or appropriate to carry out its purposes;

(5) to enter into agreements or other transactions with the commonwealth or a political subdivision or public instrumentality thereof; the United States government or a federal, state or other governmental agency;

(6) to borrow money and to execute notes therefor which shall not be deemed to be debts or obligations of the town of Belmont, to hold mortgages, and to invest any funds held in reserve funds, or any funds not required for immediate disbursement in such investments as may be lawful for fiduciaries in the commonwealth and said board shall have no stock;

(7) to enter into contracts or agreements with, and to employ from time to time, contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents and employees as may be necessary in its judgment and to fix their compensation;

(8) to receive and hold funds appropriated by the town and other funds, property, labor and other things of value from any source, public or private by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the same on behalf of said board for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source;

(9) to appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal;

(10) to procure insurance against any loss in connection with the property, or activities of the board, in such amounts and from such insurers as it may deem necessary or desirable and to indemnify its members or agents if and to the extent specified from time to time in the by-laws of the board and subject to and in the manner provided in section 6 of chapter 180 of the General Laws;

(11) to formulate and carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;

(12) to fix and revise from time to time and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion thereof under its ownership or control;

(13) to establish, impose, grant or amend, by deed, lease or other means or method, and to hold the benefit or, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control or other facilities or property designated by the selectmen of the town, or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property and to waive, release or discharge any such rights or restrictions;

(14) to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers or other real estate professionals or any other person relating to the providing of affordable housing for persons of low and moderate income in the town; and

(15) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act.

(b) The board may delegate pursuant to guidelines approved in advance by the board of selectmen to any committee or member of said board any action which the board is authorized to do or make. The board may be a partner in any business enterprise which it would have power to conduct by itself.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of the board shall be exempt from all taxes and assessments and the board shall not be subject to any of the provisions of chapter 63 of the General Laws or to any taxes based upon or measured by property or income imposed by the commonwealth or by any political subdivision thereof. The board of directors of the Belmont Housing Trust, Inc. may enter into an agreement with the assent of the town of Belmont, wherein the board shall undertake to make to the town annual payments in lieu of taxes in connection with any real property acquired and owned by the board, the amounts of such payments to be reasonable sums stipulated in each such agreement or determined in accordance with a reasonable formula so stipulated.

SECTION 4. Without limitation of the powers of the board of directors of the Belmont Housing Trust, Inc. set forth in section 2, the board is authorized to receive and to expend and utilize for its purposes all proceeds that have been appropriated by the town of Belmont for such purposes. In addition, the town may appropriate other funds for the carrying out by the board of its purposes as set forth herein. Any appropriation therefor may be raised by the town by taxation. At least annually, the board shall cause independent audits to be made of its books and records of the board, which annual audits shall be filed with the board of selectmen of the town.

SECTION 5. In the event that the board of directors of the Belmont Housing Trust, Inc. shall be dissolved in accordance with law at any time, all property and interests therein, assets and rights of said board existing at such time shall be transferred to the town of Belmont by authority of this act, and title to all such property and all such rights shall vest in said town automatically without the need for further action or instrument, and said town

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shall, to the maximum extent permitted by law, and acting by and through its board of selectmen, assume, hold and exercise the powers and duties of the board set forth herein with respect to such property and rights so transferred to said town.

SECTION 6. This act shall take effect upon its passage.

Approved November 15, 1999.

Chapter 127. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2000 FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately make certain appropriations for the fiscal year ending June 30, 2000, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth as state appropriations in sections 2, 2B, 2D, and 3 for the several purposes and subject to the conditions specified in sections 2, 2B, 2D and 3 are hereby appropriated from the General Fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending June 30, 2000. The sums set forth as federal appropriations in section 2D for the several purposes and subject to the conditions specified in said section 2D are hereby appropriated from the General Federal Grants Fund, subject to the provisions of law regulating the disbursement of public funds and the approval thereof. Federal funds received in excess of the amount appropriated in this section shall be expended only in accordance with the provisions of section 6B of chapter 29 of the General Laws. The amounts of any unexpended balances of the federal grant funds received prior to June 30, 1999, and not included as part of an appropriation item in section 2D, are hereby made available for expenditure during fiscal year 2000, in addition to any amount appropriated in section 2D.

SECTION 1A. In accordance with Articles LXIII and CVII of the Articles of Amendment to the Constitution of the Commonwealth and section 6D of chapter 29 of the General Laws, it is hereby declared that the amounts of revenue set forth in this section by source for the respective funds of the commonwealth for the fiscal year ending June 30, 2000 are necessary and sufficient to provide the means to defray the appropriations and expenditures from such funds for said fiscal year as set forth and authorized in sections 2 and 2B. The comptroller shall keep a distinct account of actual receipts from each such source by each such fund to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth herein and to include a full statement comparing such actual and projected receipts in the annual report for said fiscal year pursuant to section

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13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

Revenue by Source and Budgetary Fund (in Millions)

Source	All Funds	General Fund	Highway Fund	Local Aid	Other Funds
Alcoholic Beverages	60.10	60.10	-	-	-
Beano	3.30	3.30	-	-	-
Cigarette	296.10	99.50	-	-	196.60
Commercial Banks	165.90	165.90	-	-	-
Corporations	1,085.30	651.20	-	434.10	-
Deeds	89.20	89.20	-	-	-
Division of Insurance	8.00	8.00	-	-	-
Estate/Inheritance	208.00	208.00	-	-	-
Income	8,172.10	4,903.30	-	3,268.80	-
Insurance	315.80	315.80	-	-	-
Miscellaneous	10.00	10.00	-	-	-
Motor Fuels	653.60	98.00	546.40	-	9.20
Racing	6.80	6.80	-	-	-
Raffles / Bazaars	1.20	1.20	-	-	-
Room Occupancy	127.10	69.40	-	-	57.70
Sales & Use: Meals	452.70	271.60	-	181.10	-
Sales & Use: Motor Vehicles	472.50	283.50	-	189.00	-
Sales & Use: Regular	2,283.20	1,369.90	-	913.30	-
Sales & Use: Services	213.90	128.30	-	85.60	-
Savings Institutions	-	-	-	-	-
Utilities	162.20	162.20	-	-	-
Total	14,787.00	8,905.20	546.40	5,071.90	263.50
Departmental Revenues	1,413.50	806.80	262.10	6.30	338.30
Federal Reimbursements	3,596.10	2,713.10	3.00	-	880.00
Transfers & Other Receipts	1,098.20	295.80	50.00	694.10	58.30
Total	6,107.80	3,815.70	315.10	700.40	1,276.60
Total	20,894.80	12,720.90	861.50	5,772.30	1,540.10

SECTION 1B. The comptroller shall keep a distinct account of actual receipts of nontax revenues by each department, board, commission or institution to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with projected receipts set forth

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herein and to include a full statement comparing such receipts with projected receipts in the annual report for such fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

Non-Tax Revenue Executive Office by Department Summary

Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Judiciary			
Supreme Judicial Court	\$1,230,993	\$0	\$1,230,993
Committee for Public Counsel	\$190,000	\$0	\$190,000
Appeals Court	\$271,139	\$0	\$269,000
Trial Court	\$65,179,500	\$0	\$65,179,500
Total Judiciary	\$66,871,632	\$0	\$66,869,493
Sheriffs			
Sheriff's Department Franklin	\$277,400	\$0	\$277,400
Sheriff's Department Hampden	\$563,000	\$488,554	\$1,051,554
Sheriff's Department Middlesex	\$16,000	\$75,000	\$91,000
Sheriff's Department Worcester	\$170,000	\$0	\$170,000
Total Sheriffs	\$1,026,400	\$563,554	\$1,589,954
Office of the Governor			
Office of the Governor	\$13,000	\$0	\$13,000
Total Office of the Governor	\$13,000	\$0	\$13,000
Secretary of State			
Secretary of State	\$80,087,909	\$155,000	\$80,242,909
Total Secretary of State	\$80,087,909	\$155,000	\$80,242,909
Treasurer			
Treasurer's Office	\$240,670,197	\$0	\$240,670,197
State Lottery Commission	\$151,153,383	\$670,000,000	\$821,153,383
Mass Cultural Council	\$14,113,796	\$0	\$14,113,796
Total Treasurer	\$405,937,376	\$670,000,000	\$1,075,937,376

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Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
State Auditor			
State Auditor	\$0	\$0	\$0
Total State Auditor	\$0	\$0	\$0
Attorney General			
Attorney General	\$6,615,384	\$0	\$6,615,384
Victim Witness Assistance	\$154,508	\$0	\$154,508
Total Attorney General	\$6,769,892	\$0	\$6,769,892
Ethics Commission			
Ethics Commission	\$21,900	\$0	\$21,900
Total Ethics Commission	\$21,900	\$0	\$21,900
Inspector General			
Inspector General	\$0	\$300,000	\$300,000
Total Inspector General	\$0	\$300,000	\$300,000
Campaign & Political Finance			
Campaign & Political Finance	\$28,250	\$0	\$28,250
Total Campaign & Political Finance	\$28,250	\$0	\$28,250
Comptroller			
Office of State Comptroller	\$3,299,470	\$19,609,070	\$22,908,540
Total Comptroller	\$3,299,470	\$19,609,070	\$22,908,540
Exec Office: Admin & Finance			
Secretary of A&F	\$25,766,009	\$0	\$25,766,009
Office of Dispute Resolution	\$0	\$450,000	\$450,000
Adjustment for IGSF	\$0	\$0	\$0
Division of Fiscal Affairs	\$45,533,177	\$0	\$45,533,177
Dept of Capital Planning & Ops	\$13,670,954	\$14,025,000	\$27,695,954
Teachers Retirement Board	\$0	\$0	\$0
Group Insurance Commission	\$120,549,048	\$0	\$120,549,048

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Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Public Employee Retirement Admin	\$0	\$0	\$0
Administrative Law Appeals Div	\$50,000	\$0	\$50,000
M.C.A.D.	\$2,000	\$1,840,844	\$1,842,844
Dept of Revenue	\$84,475,897	\$0	\$84,475,897
Appellate Tax Board	\$1,420,707	\$0	\$1,420,707
Veterans' Affairs	\$0	\$0	\$0
Human Resources Division	\$104,100	\$49,912,042	\$50,016,142
Division of Operational Services	\$78,338	\$11,405,709	\$11,484,047
BSOB	\$44,818	\$20,000	\$64,818
Division of Information	\$0	\$18,726,076	\$18,726,076
Total Exec Office: Admin & Finance	\$291,695,048	\$96,379,671	\$388,074,719
Exec Office: Environmental Affairs			
Secretary of Environmental Affairs	\$207,277	\$550,000	\$757,277
Dept of Environmental Mgmt	\$6,398,671	\$230,000	\$6,628,671
Dept of Environ Protection	\$28,602,306	\$0	\$28,602,306
DFWELE	\$16,709,243	\$665,000	\$17,374,243
Metropolitan District Comm	\$22,506,013	\$1,103,506	\$23,609,519
Dept of Food & Agriculture	\$6,724,670	\$0	\$6,724,670
Total Exec Office: Environmental Aff	\$81,148,179	\$2,548,506	\$83,696,685
Exec Office: Human Services			
Secretary of Human Services	\$700	\$1,200,000	\$1,200,700
Division of Medical Assistance	\$2,284,379,771	\$70,000,000	\$2,354,379,771
Division of Health Care Financing	\$16,786,111	\$500,000	\$17,286,111
Mass Commission for the Blind	\$2,873,000	\$0	\$2,873,000
Mass Rehabilitation Commission	\$20,000	\$4,000,000	\$4,020,000
Commission for the Deaf	\$500	\$290,000	\$290,500
Office of Child Care Services	\$177,043,538	\$0	\$177,043,538
Chelsea Soldiers' Home	\$6,880,626	\$132,000	\$7,012,626
Holyoke Soldiers' Home	\$7,069,800	\$121,120	\$7,190,920

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Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Dept of Youth Services	\$200	\$0	\$200
Dept of Transitional Assistance	\$403,002,502	\$30,180,346	\$433,182,848
Dept of Public Health	\$73,646,012	\$47,967,710	\$121,613,722
Dept of Social Services	\$221,309,542	\$0	\$221,309,542
Dept of Mental Health	\$65,271,531	\$6,125,000	\$71,396,531
Dept of Mental Retardation	\$331,414,472	\$7,200,000	\$338,614,472
Total Exec Office: Human Services	\$3,589,698,305	\$167,716,176	\$3,757,414,481
Exec Office: Transportation			
Secretary of Transportation	\$1,057,771	\$27,345	\$1,085,116
Mass Aeronautics Commission	\$265,000	\$20,000	\$285,000
Dept of Public Works	\$8,000,500	\$300,000	\$8,300,500
Total Exec Office: Transportation	\$9,323,271	\$347,345	\$9,670,616
Board of Library Commissioners			
Board of Library Commissioners	\$1,200	\$0	\$1,200
Total Board of Library Commissioners	\$1,200	\$0	\$1,200
Labor, Education and Development			
Office of Director of Labor	\$21,092,085	\$0	\$21,092,085
Dept of Industrial Accidents	\$21,369,043	\$0	\$21,369,043
Labor Relations Commission	\$150	\$0	\$150
Conciliation & Arbitration Bd	\$77,135	\$0	\$77,135
Department of Workforce	\$0	\$0	\$0
Office of Communities and	\$3,302,895	\$1,000,000	\$4,302,895
Director of Consumer Affairs and	\$0	\$0	\$0
Division of Banks	\$10,522,000	\$0	\$10,522,000
Division of Insurance	\$23,977,452	\$0	\$23,977,452
Division of Registration	\$12,681,302	\$0	\$12,681,302
Division of Standards	\$1,291,620	\$200,000	\$1,491,620
Dept of Public Utilities	\$12,209,832	\$0	\$12,209,832

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Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Energy Facilities Siting Comm	\$0	\$350,000	\$350,000
Alcohol Beverages Control Comm	\$1,519,700	\$0	\$1,519,700
State Racing Commission	\$98,711,550	\$0	\$98,711,550
Community Antenna Television	\$1,450,000	\$0	\$1,450,000
Board of Medicine	\$2,498,000	\$0	\$2,498,000
Department of Economic	\$1,000	\$0	\$1,000
Div of Energy Resources	\$440,000	\$0	\$440,000
Department of Education	\$9,081,311	\$100,000	\$9,181,311
Higher Education	\$42,417,635	\$247,100	\$42,664,735
University of Massachusetts	\$93,551,500	\$0	\$93,551,500
Total Labor, Education and	\$356,194,209	\$1,897,100	\$358,091,309
Exec Office of Public Safety			
Secretary of Public Safety	\$300,000	\$17,980	\$317,980
Chief Medical Examiner	\$900	\$0	\$900
Criminal History Systems Board	\$1,060,000	\$0	\$1,060,000
Board of Building Regulations	\$231,000	\$80,000	\$311,000
Architectural Access Board	\$11,500	\$0	\$11,500
Dept of Police	\$558,000	\$17,272,948	\$17,830,948
Criminal Justice Training Council	\$1,008,500	\$0	\$1,008,500
Dept of Public Safety	\$8,195,000	\$0	\$8,195,000
Dept of Fire Services	\$5,792,305	\$0	\$5,792,305
Registry of Motor Vehicles	\$261,429,000	\$6,100,000	\$267,529,000
Merit Rating Board	\$40,000	\$0	\$40,000
Military Division	\$2,500	\$1,340,000	\$1,342,500
Emergency Management Agency	\$701,082	\$0	\$701,082
Gov's Highway Safety Bureau	\$190,000	\$0	\$190,000
Dept of Corrections	\$8,678,545	\$9,917,995	\$18,596,540
Parole Board	\$10,000	\$0	\$10,000
Total Exec Office of Public Safety	\$288,208,332	\$34,728,923	\$322,937,255

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Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Exec Office: Elder Affairs			
Secretary of Elder Affairs	\$1,762,995	\$3,000,000	\$4,762,995
Total Exec Office: Elder Affairs	\$1,762,995	\$3,000,000	\$4,762,995
Legislature			
House of Representatives	\$18,500	\$0	\$18,500
Joint Legislative	\$2,000	\$0	\$2,000
Senate	\$1,000	\$0	\$1,000
Total Legislature	\$21,500	\$0	\$21,500
Total Non-Tax Revenue	\$5,110,508,869	\$997,243,205	\$6,107,752,074

SECTION 2.

JUDICIARY.

Supreme Judicial Court.

0320-0001	For the office of the chief justice and the six associate justices.	\$897,209
0320-0003	For the operation of the supreme judicial court	\$4,364,902
0320-0006	For the expenses of the future lab task force projects; provided that not later than February 1, 2000, said task force shall submit to the house and senate committees on ways and means a report detailing the total number of people served by each program, types of services rendered at each location, and the cost per program	\$100,000
0320-0010	For the operation of the clerk's office of the supreme judicial court for Suffolk county	\$873,366
0320-0015	For the costs associated with the completion of the electronic management imaging project, so-called, of the clerk of the supreme judicial court for Suffolk county in fiscal year 2000; provided, that said clerk shall submit not later than January 1, 2000, a report detailing the status of said project to the house and senate ways and means committees	\$285,775
0320-0016	For the cost of upgrading and purchasing computer equipment for the supreme judicial court and the appeals court of the commonwealth for fiscal year 2000	\$204,787
0321-0001	For the operation of the commission on judicial conduct	\$417,406

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0321-0100	For the services of the board of bar examiners	\$892,208
0321-1500	For the operation of the committee for public counsel services, as authorized by chapter 211D of the General Laws, including expenses for an audit and oversight unit; provided, that employee compensation levels funded herein shall not exceed the compensation levels in fiscal year 1999	\$6,778,140
0321-1502	For compensation to public counsel assigned cases under the provisions of subparagraph (a) of section 6 of chapter 211D of the General Laws, pursuant to section 13 of chapter 211D of the General Laws, including compensation for the chief counsel, deputy chief counsels, and general counsel	\$7,427,309
0321-1503	For the children and family law programs pursuant to section 6A of chapter 211D of the General Laws	\$719,114
0321-1504	For the continuation of a youth advocacy program, so-called.	\$426,869
0321-1510	For compensation paid to private counsel assigned to criminal cases under the provisions of subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 12 of said chapter 211D; provided, that the committee for public counsel services may operate a pilot team leader program in fiscal year 2000 in not more than four counties; provided further, that no funds provided herein or in items 0321-1512 or 0321-1520 shall be used for the expenses of said team leader program; provided further, that the amount appropriated herein shall be expended for services rendered in fiscal year 2000 only; provided further, that the chief counsel may transfer funds to item 0321-1512 as necessary, pursuant to schedules submitted to the house and senate committees on ways and means 30 days prior to any such transfer; and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 1998. . .	\$43,500,000
0321-1512	For compensation paid to private counsel assigned to family law and mental health cases under the provisions of subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 12 of said chapter 211D; provided, that the amount appropriated herein shall be expended for services rendered in fiscal year 2000 only;	

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	provided further, that the chief counsel may transfer funds to item 0321-1510 as necessary, pursuant to schedules submitted to the house and senate committees on ways and means 30 days prior to any such transfer; and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 1998	\$21,000,000
0321-1520	For fees and costs as defined in section 27A of chapter 261 of the General Laws, as ordered by a justice of the appeals court or a justice of a department of the trial court of the commonwealth on behalf of indigent persons, as defined in said section 27A of said chapter 261; provided, that the amount appropriated herein shall only be expended for services rendered in fiscal year 2000	\$4,695,694
0321-1522	For a reserve for the full year costs of salary restructuring for the employees of the committee for public counsel services; provided, that funds appropriated herein shall be transferred to items 0321-1500, 0321-1502, 0321-1503, and 0321-1504; provided further, that the annualized costs of said salary restructuring shall not exceed the amount appropriated herein	\$819,635
0321-1600	For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that not less than \$2,082,806 shall be expended for the battered women's legal assistance project; provided further, that not less than \$850,906 shall be expended for the Medicare advocacy project; provided further, that not less than \$1,169,518 shall be expended for the disability benefits project; provided further, that the first paragraph of section 9 of chapter 221A of the General Laws shall not apply to said programs; and provided further, that said corporation may contract with any organization for the purpose of providing such representation	\$4,103,229
0321-1610	For the Massachusetts Legal Assistance Corporation for the purpose of distributing funds for general operating costs of local and statewide civil legal services providers	\$3,800,000
0321-2000	For the operation of the mental health legal advisors committee and for certain programs for the indigent	

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mentally ill, as provided in section 34E of chapter 221 of the General Laws \$448,426

0321-2100 For the Massachusetts correctional legal services committee; provided that not more than \$35,000 shall be expended exclusively for the annual salary of a paralegal in fiscal year 2000 \$636,917

0321-2205 For the expenses of the social law library located in Suffolk county \$1,751,200

0321-2206 For the social law library to operate the electronic law database project \$300,000

Appeals Court.

0322-0100 For the appeals court, including the salaries, traveling allowances and expenses of the chief justice and the 13 associate justices and the expenses of the conference program, so-called \$6,592,577

Trial Court.

0330-0101 For the salaries of the justices of the superior court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer. . . . \$7,988,938

0330-0102 For the salaries of the justices of the district court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer. . . \$17,742,288

0330-0103 For the salaries of the justices of the probate and family court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer \$4,730,150

0330-0104 For the salaries of the justices of the land court department of the trial court; provided, that the chief justice for adminis-

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	tration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer	\$442,552
0330-0105	For the salaries of the justices of the Boston municipal court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer	\$1,208,395
0330-0106	For the salaries of the justices of the housing court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer.	\$661,536
0330-0107	For the salaries of the justices of the juvenile court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer. . . .	\$3,581,452
0330-0300	For the administration of the office of the chief justice for administration and management, including the salary of said chief justice for administration and management; provided, that the supreme judicial court shall not charge the trial court for any assessments, services, education, training, or costs of any kind; provided further, that not more than 132 employees shall be funded from this item in fiscal year 2000	\$6,957,214
0330-0317	For the operation and expenses of the Massachusetts sentencing commission pursuant to chapter 211E of the General Laws; provided, that not more than four employees shall be funded from this item in fiscal year 2000	\$297,292
0330-0400	For the non-employee services performed by private individuals and contracted services performed by agencies for the individual court divisions of the trial court to be expended as determined by the chief justice for administration and management; provided, that contracting for non-employee	

assigned interpretive services and contracting with agencies or providers for assigned interpretive services shall not give rise to enforceable legal rights in any party or an enforceable entitlement to interpretive services; provided further, that interpretive services shall be provided by interpreters who have a place of business in the county or within 20 miles of the county where the subject court is located and a permanent court interpreter program shall be established within the counties of Hampden, Hampshire, Berkshire and Franklin with the goal of ensuring that interpretive services be provided by interpreters who have a place of business in said counties; provided further, that nothing in this item shall give rise to enforceable legal rights or an enforceable entitlement to services; provided further, that in contracting for services to provide interpreters to persons who are deaf or hard of hearing, the trial court shall maximize the use of interpreter services provided by the Massachusetts commission for the deaf and hard of hearing whenever possible; provided further, that the chief justice for administration and management shall contact and enter into contract with interpreters for the deaf not later than 24 hours prior to all cases where said interpreters may be needed; and provided further, that said contracted interpreters shall be funded at existing rates; and provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children \$18,035,151

0330-0401 For the costs of salaries of three full-time equivalent employees to facilitate the planning and execution of repairs and alterations to existing court facilities and occupancy readiness of new court facilities pursuant to the provisions of chapter 189 of the acts of 1998; provided, that the amount provided herein shall fund not more than nine months of said salaries in fiscal year 2000; provided further, that the amount appropriated herein shall not annualize to more than \$138,879 in fiscal year 2001; and provided further, that no expenditures shall be made from any other item for the salaries of said employees \$104,160

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0330-0410	For alternative dispute resolution services for the trial court; provided, that such services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further, that not less than \$35,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$57,835 shall be expended for dispute resolution services in Hampden district court; and provided further, that not less than \$30,000 shall be expended for North Central Court Services, Inc	\$142,835
0330-0600	For dental and optical health plan trust agreements	\$3,509,604
0330-1000	For trial court jury expenses	\$3,220,757
0330-2000	For the trial court law libraries; provided, that the chief justice for administration and management shall collaborate with the Massachusetts bar association, the Boston bar association and law schools in the commonwealth in developing a voluntary library assistance program; and provided further, that not more than 46.1 full-time equivalent employees shall be funded from this item in fiscal year 2000	\$1,959,215
0330-2002	For the maintenance, purchase and binding of trial court law library materials	\$2,532,544
0330-2010	For the costs associated with computerized legal research	\$273,177
0330-2020	For centralized law book purchases	\$474,562
0330-2200	For the rental of county court facilities, in accordance with section 4 of chapter 29A of the General Laws; provided, that all payments made hereunder shall be made pursuant to written agreements; provided further, that quarterly payments shall be made to counties equal to an amount which shall be at least 90 per cent of the amount owed each quarter to each such county in the preceding fiscal year, subject to reconciliation based on accurate cost data in the fourth quarter or in the succeeding fiscal year; provided further, that payments made to any county which fails to submit required cost data by the beginning of the third quarter of the fiscal year shall be withheld until such data is submitted to the chief justice for administration and	

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management and approved as accurate; provided further, that said cost data shall be filed with the house and senate committees on ways and means; provided further, that every county receiving such payments shall maintain such funds in a separate account which shall be used solely for the maintenance of the rented facilities; provided further, that each county advisory board, upon receipt of the proposed budget by the county commissioners, shall have final approval of all expenditures under this item; and provided further, that no funds from this account shall be expended on trial court telecommunications costs or rental of private or municipal court facilities \$8,401,707

0330-2201 For the purchase, maintenance and lease of statewide telecommunications for the trial court; provided, that not less than \$255,000 shall be expended for data lines for the warrant management system \$3,383,132

0330-2202 For the payment of private and municipal court leases \$9,886,094

0330-2205 For the costs associated with maintaining and operating courthouse facilities owned by the commonwealth; provided, that not more than 400 employees shall be funded from this item in fiscal year 2000 \$21,963,029

0330-2207 For the costs associated with maintaining and operating the New Chardon street courthouse in the city of Boston, also known as the Edward W. Brooke Courthouse, and the Fenton Judicial center in the city of Lawrence; provided, that no funds may be expended for the purposes stated herein from any other item of appropriation; and provided further, that not more than 63 employees shall be funded from this item in fiscal year 2000 \$2,823,542

0330-2300 For the costs of witness fees \$400,000

0330-2410 For the operation of the judicial training institute; provided, that not less than \$100,000 shall be expended for the training of court personnel on domestic violence issues; provided further, that not more than eight employees shall be funded from this item in fiscal year 2000; and provided further, that not less than \$100,000 shall be expended for a substance abuse training program \$808,244

0330-2600 For the travel expenses of judicial personnel; provided, that

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- the chief justice for administration and management shall promulgate rules and regulations governing the selection of justices for travel outside of the commonwealth for the purpose of judicial training; and provided further, that said rules and regulations shall give first priority to newly appointed justices for such training \$1,364,937
- 0330-2700 For trial court printing expenses; provided, that the trial court shall maximize to the extent possible the use of recycled paper and soy-based ink products for any document printing and purchasing \$1,977,955
- 0330-2800 For the cost of equipment purchases, rentals, maintenance and repairs; provided, that such purchases and rentals may be allocated by the chief justice for administration and management; provided further, that \$108,000 may be expended for equipment for the district court of Springfield; and provided further, that in purchasing such equipment, the chief justice for administration and management shall utilize vendors approved by the state purchasing agent for such equipment whenever the terms offered by such vendors are more favorable than those otherwise available. . . . \$3,402,908
- 0330-3200 For the court security program, including personnel and expenses; provided, that security guards and court officers may be available for assignment in accordance with juvenile court expansion funded pursuant to item 0337-0003; provided further, that an assistant chief court officer for the district court in Chelsea shall be funded from this item in fiscal year 2000; provided further, that all other per diem court officers shall be paid the daily rate in accordance with collective bargaining agreements; provided further, that the chief justice for administration and management shall submit a report to the house and senate committees on ways and means not later than February 1, 2000 detailing the number of court officers and security personnel located in each trial court division; provided further, that not more than 1,234 employees shall be funded from this item in fiscal year 2000; and provided further, that not more than \$1,125,000 shall be expended from this item for the full implementation of the fiscal year 2000 trial court security personnel staffing plan, so-called. . . \$40,648,035

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- 0330-3300 For the payment of office, administrative and special expenses of the trial court to be allocated by the chief justice for administration and management; provided, that \$61,000 shall be expended for carpeting and facility furnishings for the district court of Springfield; and provided further, that \$50,000 shall be expended for facility furnishings for the district court of Middlesex in Cambridge \$797,629
- 0330-3700 For the court interpreters program; provided, that the chief justice for administration and management shall establish and direct a policy for the scheduling of court sessions in all court departments to cost-effectively utilize court language interpreters; and provided further, that not more than ten employees shall be funded from this item in fiscal year 2000; and provided further, that not less than \$37,000 shall be expended to provide for a southeast Asian interpreter for the district court of Lowell \$452,122
- 0330-4100 For a trial court vacancy pool and reserve; provided, that not later than February 15, 2000, the chief justice for administration and management shall submit a report to the house and senate committees on ways and means detailing all assignments and allocations funded from this item \$1,000,000
- 0330-4303 For the chargeback costs of unemployment compensation, medicare tax, workers' compensation, universal health and group insurance assessed against the employees and justices of the trial court \$6,085,774

Superior Court Department.

- 0331-0100 For the administrative office of the superior court department; provided, that not more than \$75,000 shall be expended for judicial education, including the semi-annual conferences, racial and gender bias orientation programs and judicial induction ceremonies; and provided further, that not more than 168 employees shall be funded from this item in fiscal year 2000 \$7,703,543
- 0331-0300 For medical malpractice tribunals established in accordance with the provisions of section 60B of chapter 231 of the General Laws \$77,800
- 0331-2100 For the Barnstable superior court; provided, that an additional assistant clerk magistrate shall be appointed and funded

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	from this item in fiscal year 2000; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that not more than 14 employees shall be funded from this item in fiscal year 2000	\$567,451
0331-2200	For the Berkshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that not more than six employees shall be funded from this item in fiscal year 2000	\$300,403
0331-2300	For the Bristol superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; provided further, that said clerk shall designate one assistant clerk magistrate as equity proceedings clerk, and one assistant clerk magistrate as civil proceedings clerk; provided further, that said clerks shall be appointed and funded from this line item in fiscal year 2000; and provided further, that not more than 23 employees shall be funded from this item in fiscal year 2000	\$1,159,578
0331-2400	For the Dukes superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that not more than three employees shall be funded from this item in fiscal year 2000	\$183,056
0331-2500	For the Essex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that not more than 42 employees shall be funded from this item in fiscal year 2000	\$1,777,481
0331-2600	For the Franklin superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that not more than	

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	eight employees shall be funded from this item in fiscal year 2000	\$348,276
0331-2700	For the Hampden superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that not more than 33 employees shall be funded from this item in fiscal year 2000	\$1,474,185
0331-2800	For the Hampshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that not more than seven employees shall be funded from this item in fiscal year 2000	\$349,095
0331-2900	For the Middlesex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; provided further, that an additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 94 employees shall be funded from this item in fiscal year 2000	\$4,126,625
0331-3000	For the Nantucket superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that not more than two employees shall be funded from this item in fiscal year 2000	\$136,461
0331-3100	For the Norfolk superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; provided further, that not more than 31 employees shall be funded from this item in fiscal year 2000; and provided further, that one additional clerk magistrate shall be appointed and funded from this line-item in fiscal year 2000	\$1,482,257
0331-3200	For the Plymouth superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and	

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	record keeping; and provided further, that not more than 33 employees shall be funded from this item in fiscal year 2000	\$1,326,582
0331-3300	For the Suffolk superior civil court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; provided further, that three additional assistant clerk magistrates and ten additional procedures clerk I positions shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 114 employees shall be funded from this item in fiscal year 2000	\$4,223,845
0331-3400	For the Suffolk superior criminal court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; provided further, that \$15,000 shall be expended for additional summer interns in fiscal year 2000; and provided further, that not more than 49 employees shall be funded from this item in fiscal year 2000	\$2,426,681
0331-3404	For an education and community outreach pilot program to be administered in the Suffolk superior criminal court; provided, that not more than six employees shall be funded from this item in fiscal year 2000	\$220,000
0331-3500	For the Worcester superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that not more than 29 employees shall be funded from this item in fiscal year 2000	\$1,430,521
<i>District Court Department.</i>		
0332-0100	For the administrative office of the district court department, including a civil conciliation program; provided, that not more than 26 employees shall be funded from this item in fiscal year 2000	\$1,451,735
0332-1100	For the first district court of Barnstable; provided, that not more than 43 employees shall be funded from this item in fiscal year 2000	\$1,873,840

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0332-1200	For the second district court of Barnstable at Orleans; provided, that an additional administrative assistant I, shall be funded in fiscal year 2000; provided further, that two probation officers and one procedures clerk I to serve in the probation department shall be funded from this item in fiscal year 2000; and provided further that not more than 28 employees shall be funded from this item in fiscal year 2000	\$1,165,937
0332-1203	For the third district court of Barnstable at Falmouth; provided, that an additional head procedures clerk and an additional procedures clerk II shall be funded from this item in fiscal year 2000; provided further, that not more than 25 employees shall be funded from this item in fiscal year 2000	\$1,030,197
0332-1300	For the district court of northern Berkshire at Adams, North Adams and Williamstown; provided, that not more than 14 employees shall be funded from this item in fiscal year 2000	\$687,316
0332-1400	For the district court of central Berkshire at Pittsfield; provided, that not more than 30 employees shall be funded from this item in fiscal year 2000	\$1,175,254
0332-1500	For the district court of southern Berkshire at Great Barrington and Lee; provided, that one additional probation officer shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 11 employees shall be funded from this item in fiscal year 2000	\$518,706
0332-1600	For the first district court of Bristol at Taunton; provided, that not more than 51 employees shall be funded from this item in fiscal year 2000	\$1,957,943
0332-1700	For the second district court of Bristol at Fall River; provided, that two additional probation officers shall be funded from this item in fiscal year 2000; provided further, that not more than 64 employees shall be funded from this item in fiscal year 2000	\$2,477,171
0332-1800	For the third district court of Bristol at New Bedford; provided, that not more than 71 employees shall be funded from this item in fiscal year 2000	\$2,643,198

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0332-1900	For the fourth district court of Bristol at Attleboro; provided, that not more than 29 employees shall be funded from this item in fiscal year 2000	\$1,284,280
0332-2000	For the district court of Edgartown; provided, that not more than seven employees shall be funded from this item in fiscal year 2000	\$338,008
0332-2100	For the first district court of Essex at Salem; provided, that funds shall be expended for purposes of promoting two administrative assistants to head administrative assistants to serve in the clerk's office in fiscal year 2000; and provided further, that not more than 44 employees shall be funded from this item in fiscal year 2000	\$1,962,228
0332-2300	For the third district court of Essex at Ipswich; provided, that one assistant clerk magistrate, one head procedures clerk and one probation officer shall be appointed and funded from this line item in fiscal year 2000; and provided further, that funds shall be expended from this line item for the purposes of promoting one probation officer-in-charge to chief probation officer in fiscal year 2000; and provided further, that not more than 7 employees shall be funded from this item in fiscal year 2000	\$457,369
0332-2400	For the central district court of northern Essex at Haverhill; provided, that an additional procedures clerk I shall be funded from this item in fiscal year 2000; and provided further, that not more than 44 employees shall be funded from this item in fiscal year 2000	\$1,874,163
0332-2500	For the district court of eastern Essex at Gloucester; provided, that one additional assistant chief probation officer shall be funded from this line item in fiscal year 2000; and provided further, that one probation officer shall be promoted to assistant chief probation officer in fiscal year 2000; and provided further, that not more than 22 employees shall be funded from this item in fiscal year 2000	\$879,924
0332-2600	For the district court of Lawrence; provided, that one additional head administrative assistant, three additional probation officers and two additional procedures clerk II be appointed and funded to serve in the probation department in fiscal year 2000; and provided further, that two	

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	additional procedures clerks II be appointed and funded to serve in the office of the clerk magistrate in fiscal year 2000; and provided further, that not more than 86 employees shall be funded from this item in fiscal year 2000	\$3,284,432
0332-2700	For the district court of southern Essex at Lynn; provided, that three additional probation officers and one additional head administrative assistant shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 72 employees shall be funded from this item in fiscal year 2000	\$2,790,976
0332-2800	For the district court of Newburyport; provided, that not more than 37 employees shall be funded from this item in fiscal year 2000	\$1,632,775
0332-2900	For the district court of Peabody; provided, that not more than 30 employees shall be funded from this item in fiscal year 2000	\$1,306,297
0332-3000	For the district court of Greenfield; provided, that one additional probation officer shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 30 employees shall be funded from this item in fiscal year 2000	\$1,223,519
0332-3100	For the district court of Orange; provided, that one additional substance abuse coordinator shall be appointed and funded from this line item in fiscal year 2000; and provided further, that not more than 14 employees shall be funded from this item in fiscal year 2000	\$562,471
0332-3200	For the district court of Chicopee; provided, that not more than 25 employees shall be funded from this item in fiscal year 2000	\$907,554
0332-3300	For the district court of Holyoke; provided, that two additional probation officers and one additional procedures clerk I shall be funded from this item in fiscal year 2000; and provided further, that not less than 29 employees shall be funded from this item in fiscal year 2000	\$1,155,658
0332-3400	For the district court of eastern Hampden at Palmer; provided, that not more than 17 employees shall be funded from this item in fiscal year 2000	\$775,821

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0332-3500	For the district court of Springfield; provided, that not more than 103 employees shall be funded from this item in fiscal year 2000	\$4,121,760
0332-3600	For the district court of western Hampden at Westfield; provided, that not more than 20 employees shall be funded from this item in fiscal year 2000	\$809,732
0332-3700	For the district court of Hampshire at Northampton; provided, that not more than 41 employees shall be funded from this item in fiscal year 2000	\$1,681,165
0332-3800	For the district court of eastern Hampshire at Ware; provided, that not more than 13 employees shall be funded from this item in fiscal year 2000	\$616,825
0332-3900	For the district court of Lowell; provided, that not more than 83 employees shall be funded from this item in fiscal year 2000	\$3,209,104
0332-4000	For the district court of Somerville; provided that, an additional sessions clerk, an additional assistant clerk magistrate and two additional procedures clerk I positions shall be funded from this item in fiscal year 2000; and provided further, that not more than 66 employees shall be funded from this item in fiscal year 2000	\$2,488,801
0332-4100	For the district court of Newton; provided, that not more than 22 employees shall be funded from this item in fiscal year 2000	\$996,000
0332-4200	For the district court of Marlborough; provided, that not more than 26 employees shall be funded from this item in fiscal year 2000	\$1,145,746
0332-4300	For the district court of Natick; provided, that not more than 17 employees shall be funded from this item in fiscal year 2000	\$801,758
0332-4400	For the first district court of eastern Middlesex at Malden; provided, that not more than 51 employees shall be funded from this item in fiscal year 2000	\$2,059,068
0332-4500	For the second district court of eastern Middlesex at Waltham; provided, that not more than 38 employees shall be funded from this item in fiscal year 2000	\$1,534,511

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0332-4600	For the third district court of eastern Middlesex at Cambridge; provided, that not more than 81 employees shall be funded from this item in fiscal year 2000	\$3,363,190
0332-4700	For the fourth district court of eastern Middlesex at Woburn; provided, that not more than 53 employees shall be funded from this item in fiscal year 2000	\$2,236,474
0332-4800	For the first district court of northern Middlesex at Ayer; provided, that not more than 29 employees shall be funded from this item in fiscal year 2000	\$1,199,474
0332-4900	For the first district court of southern Middlesex at Framingham; provided, that not more than 51 employees shall be funded from this item in fiscal year 2000	\$2,230,804
0332-5000	For the district court of central Middlesex at Concord; provided, that not more than 30 employees shall be funded from this item in fiscal year 2000	\$1,296,457
0332-5100	For the district court of Nantucket; provided, that not more than five employees shall be funded from this item in fiscal year 2000	\$232,795
0332-5200	For the district court of northern Norfolk at Dedham; provided, that not more than 50 employees shall be funded from this item in fiscal year 2000	\$1,902,993
0332-5300	For the district court of East Norfolk at Quincy; provided, that not more than 113 employees shall be funded from this item in fiscal year 2000	\$4,453,033
0332-5400	For the district court of western Norfolk at Wrentham; provided, that two additional assistant clerk magistrates shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 36 employees shall be funded from this item in fiscal year 2000	\$1,554,785
0332-5500	For the district court of southern Norfolk at Stoughton; provided, that not more than 36 employees shall be funded from this item in fiscal year 2000	\$1,460,223
0332-5600	For the municipal court of Brookline; provided, that an additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2000; provided further, that not more than 19 employees shall be funded from this item in fiscal year 2000	\$914,744

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- 0332-5700 For the district court of Brockton; provided, that not more than 79 employees shall be funded from this item in fiscal year 2000 \$3,241,734
- 0332-5800 For the second district court of Plymouth at Hingham; provided, that not more than 46 employees shall be funded from this item in fiscal year 2000 \$1,834,479
- 0332-5900 For the third district court of Plymouth at Plymouth; provided, that an additional assistant clerk magistrate, and an additional probation officer shall be appointed and funded from this item in fiscal year 2000; provided further, that the temporary assistant clerk magistrate shall be made the permanent assistant clerk magistrate; and provided further, that not more than 44 employees shall be funded from this item in fiscal year 2000 \$1,965,738
- 0332-6000 For the fourth district court of Plymouth at Wareham; provided, that an additional assistant clerk magistrate, one additional probation officer and one additional procedures clerk I shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 39 employees shall be funded from this item in fiscal year 2000 \$1,709,684
- 0332-6100 For the district court of Brighton; provided, that not more than 28 employees shall be funded from this item in fiscal year 2000 \$1,246,463
- 0332-6200 For the district court of Charlestown; provided, that an additional head administrative assistant position to serve in the office of the clerk magistrate shall be funded from this item in fiscal year 2000; and provided further, that not more than 16 employees shall be funded from this item in fiscal year 2000 \$765,307
- 0332-6300 For the district court of Chelsea; provided, that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that not more than 54 employees shall be funded from this item in fiscal year 2000; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the

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	clerk magistrate of said district court; and provided further, that one additional assistant clerk magistrate, one additional administrative assistant I, one additional administrative assistant II and one additional head procedures clerk shall be appointed and funded from this line item in fiscal year 2000	\$2,272,746
0332-6400	For the municipal court of the Dorchester district; provided, that an additional four probation officers shall be funded from this item in fiscal year 2000; provided further, that not more than 110 employees shall be funded from this item in fiscal year 2000	\$4,317,394
0332-6500	For the district court of East Boston; provided, that not more than 39 employees shall be funded from this item in fiscal year 2000	\$1,613,689
0332-6600	For the district court of Roxbury; provided, that an additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2000; and provided, that not more than 85 employees shall be funded from this item in fiscal year 2000; and provided further, that all funded slots shall be filled during the fiscal year 2000	\$3,648,010
0332-6700	For the district court of South Boston; provided, that one additional head procedures clerk shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 22 employees shall be funded from this item in fiscal year 2000	\$1,045,953
0332-6800	For the district court of West Roxbury; provided, that not less than \$10,000 shall be expended from this item for the purposes of providing video conferencing at said district court; and provided further, that not more than 53 employees shall be funded from this item in fiscal year 2000; and provided further, that all funded slots are filled during fiscal year 2000	\$2,232,887
0332-6900	For the central district court of Worcester; provided, that not more than 102 employees shall be funded from this item in fiscal year 2000	\$3,995,795
0332-7000	For the district court of Fitchburg; provided, that not more than 31 employees shall be funded from this item in fiscal year 2000	\$1,320,583

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0332-7100	For the district court of Leominster; provided, that an additional head administrative assistant, an additional account clerk I, an additional procedures clerk I and one additional probation officer shall be funded from this item in fiscal year 2000; and provided further, that not more than 23 employees shall be funded from this item in fiscal year 2000	\$994,570
0332-7200	For the district court of Winchendon; provided, that not more than five employees shall be funded from this item in fiscal year 2000	\$201,848
0332-7300	For the first district court of northern Worcester at Gardner; provided, that an additional sessions clerk shall be funded from this item in fiscal year 2000; and provided further that not more than 27 employees shall be funded from this item in fiscal year 2000	\$1,140,112
0332-7400	For the first district court of eastern Worcester at Westborough; provided, that not more than 28 employees shall be funded from this item in fiscal year 2000	\$1,116,670
0332-7500	For the second district court of eastern Worcester at Clinton; provided, that additional assistant clerk magistrate and an additional probation officer shall be appointed and funded from this item in fiscal year 2000; provided further, that not more than 15 employees shall be funded from this item in fiscal year 2000	\$640,353
0332-7600	For the first district court of southern Worcester at Dudley; provided, that not more than 30 employees shall be funded from this item in fiscal year 2000	\$1,234,912
0332-7700	For the second district court of southern Worcester at Uxbridge; provided, that an assistant chief probation officer shall be appointed and funded from this item in fiscal year 2000; and provided, that not more than 21 employees shall be funded from this item in fiscal year 2000	\$845,936
0332-7800	For the third district court of southern Worcester at Milford; provided, that not more than 22 employees shall be funded from this item in fiscal year 2000	\$962,287
0332-7900	For the district court of western Worcester at East Brookfield; provided, that not more than 20 employees shall be funded from this item in fiscal year 2000; provided further, that	

one additional probation officer shall be appointed and funded from this line item in fiscal year 2000; provided further, that one administrative assistant II shall be promoted to head administrative assistant; and provided further, that one probation officer shall be promoted to assistant chief probation officer in fiscal year 2000 \$905,686

0332-8000 For the development of an early intervention project for substance abusers at the Cambridge division of the district court department; provided, that such project shall be administered by a seven member executive board consisting of the first justice of the Cambridge court or his designee, the clerk of the Cambridge court or his designee, the chief probation officer of the Cambridge court or his designee, the Middlesex county district attorney or his designee, the city manager of the city of Cambridge or his designee, the chief administrative justice of the trial court or his designee and one person to be appointed by the governor; and provided further, that the employment conditions of the project director and the allocation of project funds shall be determined by the executive board \$90,000

Probate and Family Court Department.

0333-0002 For the administrative office of the probate and family court department; provided, that the case manager shall meet monthly with the department of social services and shall report quarterly to the house and senate committees on ways and means on the backlog of cases in the probate court and the parties' progress made in such backlog each month; and provided further, that one additional alternative dispute resolution coordinator, one additional pro se coordinator, one additional administrative secretary, and three additional law clerks shall be appointed and funded from this line item in fiscal year 2000; and provided further, that not more than 38 employees shall be funded from this item in fiscal year 2000 \$1,725,461

0333-0100 For the Barnstable probate court; provided, that an additional assistant register shall be appointed and funded from this item in fiscal year 2000; provided further, that one additional administrative assistant II shall be appointed and funded from this line item in fiscal year 2000 to serve in

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	the domestic relations office; and provided further, that notwithstanding the provisions of any general or special laws to the contrary, the first justice of said court shall appoint one additional deputy assistant register to be funded from this line item in fiscal year 2000; and provided further, that not more than 32 employees shall be funded from this item in fiscal year 2000	\$1,411,437
0333-0150	For the operation of a child and parents program in the Barnstable probate court; provided, that this item shall not be subject to paragraphs (a) and (b) of clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws	\$60,000
0333-0200	For the Berkshire probate court; provided, that one additional head administrative assistant shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 19 employees shall be funded from this item in fiscal year 2000	\$785,358
0333-0300	For the Bristol probate court; provided, that one additional head administrative assistant and one additional head procedures clerk to serve in the probation office at New Bedford shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 58 employees shall be funded from this item in fiscal year 2000	\$2,375,716
0333-0400	For the Dukes probate court; provided, that not more than six employees shall be funded from this item in fiscal year 2000	\$276,674
0333-0500	For the Essex probate court; provided, that not more than 60 employees shall be funded from this item in fiscal year 2000; and provided further, that \$63,700 be expended for the funding and appointment of one administrative deputy assistant	\$2,393,658
0333-0600	For the Franklin probate court; provided, that \$63,700 be expended for the funding and appointment of one administrative deputy assistant; provided, that one additional assistant register shall be appointed and funded from this line item in fiscal year 2000; and provided, further; that not more than 18 employees shall be funded from this item in fiscal year 2000	\$810,424

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0333-0700	For the Hampden probate court; provided, that two additional probation officers, two additional procedures clerk I positions, two additional sessions clerks and an additional administrative secretary shall be funded from this item in fiscal year 2000; provided further, that notwithstanding the provisions of any general or special laws to the contrary, the first justice of said court shall appoint three additional deputy assistant registers to be funded from this item in fiscal year 2000; and provided further, that not more than 69 employees shall be funded from this item in fiscal year 2000	\$2,527,984
0333-0711	For the operation of the Berkshire, Franklin, Hampden, and Hampshire family court clinic to be administratively located in the city of Springfield and to serve the Berkshire, Franklin, Hampden, and Hampshire divisions of the probate court	\$50,000
0333-0800	For the Hampshire probate court; provided, that not more than 19 employees shall be funded from this item in fiscal year 2000	\$833,258
0333-0900	For the Middlesex probate court; provided, that not more than 118 employees shall be funded from this item in fiscal year 2000	\$4,477,825
0333-0911	For the Middlesex probate court family services clinic; provided, that not more than nine employees shall be funded from this item in fiscal year 2000	\$261,143
0333-1000	For the Nantucket probate court; provided, that not more than three employees shall be funded from this item in fiscal year 2000	\$190,215
0333-1100	For the Norfolk probate court; provided, that not more than 67 employees shall be funded from this item in fiscal year 2000	\$2,598,300
0333-1111	For the Norfolk probate court family services clinic; provided, that not more than four employees shall be funded from this item in fiscal year 2000	\$142,751
0333-1200	For the Plymouth probate court; provided, that three additional probation officers and one additional level 6 clerical position shall be appointed and funded from this item in fiscal year 2000; and provided further, that not	

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	more than 60 employees shall be funded from this item in fiscal year 2000	\$2,271,510
0333-1300	For the Suffolk probate court; provided, that \$127,400 shall be expended for the funding and appointment of two administrative deputy assistants; and provided, further, that not more than 88 employees shall be funded from this item in fiscal year 2000	\$3,359,838
0333-1313	For the Suffolk probate community access program of community outreach and education; provided, that said program shall be targeted at low income persons who experience educational and language barriers to court access; and provided further, that said program shall be administered by the register of probate of Suffolk county; and provided, that not more than nine employees shall be funded from this item in fiscal year 2000	\$138,921
0333-1400	For the Worcester probate court; provided, that \$63,700 be expended for funding and appointment of one administrative deputy assistant, and provided, further, that not more than 61 employees shall be funded from this item in the fiscal year 2000; provided that, two additional assistant registers, one additional sessions clerk, one additional administrative assistant, two additional probation officers and two additional procedures clerk II shall be appointed and funded from this line item in fiscal year 2000; and provided further, that notwithstanding the provisions of any general or special laws to the contrary, the first justice of said court shall appoint one additional deputy assistant register to be funded from this line item in fiscal year 2000. . . .	\$2,788,392
0333-1411	For the Worcester probate court family services clinic	\$213,046

Land Court Department.

0334-0001	For the operation of the land court; provided, that not more than 60 employees shall be funded from this item in fiscal year 2000	\$2,640,133
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Boston Municipal Court Department.

0335-0001	For the operation of the Boston municipal court; provided, that an additional assistant clerk magistrate, one systems administrator, so-called, and one computer systems	
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supervisor, so-called, shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 175 employees shall be funded from this item in fiscal year 2000 \$8,274,431

Housing Court Department.

- 0336-0002 For the administrative office of the housing court department; provided, that any division of the housing court department, as defined in section 4 of chapter 185C of the General Laws, shall hold its sittings in the facilities of the district court of central Berkshire county in the city of Pittsfield not less than once per month; provided further, that not more than two employees shall be funded from this item in fiscal year 2000; and provided further, that such sitting shall be held by an associate justice of the trial court appointed to a division of the housing court department \$140,025
- 0336-0100 For the Boston housing court; provided, that not more than 26 employees shall be funded from this item in fiscal year 2000 \$1,072,778
- 0336-0200 For the Hampden housing court; provided, that not more than 13 employees shall be funded from this item in fiscal year 2000 \$581,509
- 0336-0300 For the Worcester housing court; provided, that not more than nine employees shall be funded from this item in fiscal year 2000 \$478,754
- 0336-0400 For the southeastern division of the housing court; provided, that pursuant to section 4 of chapter 185C of the General Laws, the department shall, within 30 days of the effective date of this act, hold no less than two sessions each week in the city of New Bedford; provided further, that the Chief Justice for Administration and Management, in consultation with the first justice of the southeastern division of the housing court, shall locate and make available adequate space to hold said sessions within an existing courtroom located in the city of New Bedford; provided further, that two assistant clerk magistrates, two additional housing specialists and one additional procedures clerk I shall be appointed and funded from this

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line item in fiscal year 2000; and provided further, that not more than 25 employees shall be funded from this item in fiscal year 2000 \$1,006,612

0336-0500 For the Northeastern housing court; provided, that not more than 17 employees shall be funded from this item in fiscal year 2000 \$670,337

Juvenile Court Department

0337-0002 For the administrative office of the juvenile court department; provided, that eight additional law clerks shall be appointed and funded from this line item in fiscal year 2000; and provided further, that not more than 25 employees shall be funded from this item in fiscal year 2000 \$1,131,922

0337-0003 For the personnel and expenses associated with the expansion of the juvenile court, including Berkshire, Essex, Hampshire/Franklin, Middlesex, Norfolk, Suffolk, Worcester and Nantucket/Dukes counties; provided, that \$100,000 shall be expended on the CASA program, so-called, in the Lawrence juvenile court; provided further, that \$80,000 shall be expended for the CASA program in the Worcester juvenile court; provided further, that \$80,000 shall be expended for the CASA program in the Plymouth county juvenile court; provided further, that \$80,000 shall be expended for the Franklin/Hampshire CASA program, including Northampton, Greenfield, Orange and Ware district courts; provided further, that \$50,000 shall be expended for a Berkshire CASA program in the Berkshire county juvenile court; provided further, that an assistant clerk magistrate and two additional probation officers for the Norfolk juvenile session in Quincy shall be appointed and funded from this item in fiscal year 2000; provided further, that an additional assistant clerk magistrate for the middlesex juvenile court shall be appointed and funded from this item in fiscal year 2000; provided further, that one additional assistant clerk magistrate for Essex County, and two additional assistant clerk magistrates for Middlesex County shall be appointed and funded from this line item in fiscal year 2000; and provided further, that not more than 313 employees shall be funded from this item in fiscal year 2000 \$14,210,638

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0337-0100	For the Boston juvenile court; provided, that not more than 89 employees shall be funded from this item in fiscal year 2000	\$3,836,161
0337-0200	For the Bristol juvenile court; provided, that not more than 62 employees shall be funded from this item in fiscal year 2000	\$2,612,358
0337-0300	For the Springfield juvenile court; provided, that \$160,000 shall be expended for the CASA program, so-called, in the Springfield juvenile court; provided, that not more than 60 employees shall be funded from this item in fiscal year 2000	\$1,559,490
0337-0400	For the Worcester juvenile court; provided, that an additional probation officer shall be funded from this item for the purposes of providing outreach and coordinating services with executive branch and non-profit agencies and local school districts in fiscal year 2000; and provided further, that not more than 35 employees shall be funded from this item in fiscal year 2000	\$1,562,774
0337-0500	For the Barnstable county juvenile court located in the town of Plymouth; provided, that not more than 45 employees shall be funded from this item in fiscal year 2000	\$1,936,161

Office of the Commissioner of Probation.

0339-1001	For the office of the commissioner of probation; provided, that said commissioner, subject to the approval of the chief justice for administration and management, shall appoint any associate probation officer or probation officer-in-charge; and provided further, that said associate probation officers shall perform in-court functions only and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004; and provided further, that an additional associate probation officer for the Worcester juvenile court shall be funded from this item in fiscal year 2000	\$9,616,253
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- 0339-1002 For the superior court probation services; provided, that funds shall be expended for the promotion of one procedures clerk to head procedures clerk and for the promotion of one administrative assistant to head administrative assistant in fiscal year 2000 \$9,104,125
- 0339-1003 For the salary and expenses of the executive director and staff of the trial court office of community corrections; provided, that not less than \$100,000 shall be expended for the implementation of a changing lives through literature program; provided further, that not less than \$211,000 shall be expended for the operation of the Suffolk county courts' community service program, so-called, to be supervised by the chief justice for administration and management; provided further, that \$90,000 shall be expended for a drug treatment on demand drug offender program, so-called, in the district court of Lawrence; provided further, that \$150,000 shall be expended on an alternative probation program honor court, so-called, in the district court of Hampshire (Northampton); and provided further, that not more than 65 employees shall be funded from this item in fiscal year 2000 \$3,198,686
- 0339-1004 For the cost of intensive supervision and community corrections programs; provided, that said programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community incapacitation or restraint; provided further, that the number of placements in said programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that \$225,000 shall be expended for the purpose of providing a community services for women program in the district court of Southern Essex; provided further, that funds from this item shall be expended to cover the costs of said programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket,

Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2000; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with said probation offices and sheriffs' offices for the provision of said programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that said agreements and memoranda shall be entered into at the direction of said executive director; provided further, that said executive director shall submit a spending and management plan for said programs to the house and senate committees on ways and means not later than February 15, 2000; provided further, that said plan shall include the projected number of probationers to be served by each such program and include a description of the oversight and services provided to said probationers; and provided further, that the amount appropriated herein shall fund the annualization of such programs commenced in fiscal year 1999 pursuant to contracts established between said office and sheriffs' offices \$10,400,000

Office of the Jury Commissioner.

0339-2100 For the office of jury commissioner in accordance with chapter 234A of the General Laws \$2,335,807

Suffolk District Attorney.

0340-0100 For the Suffolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, the domestic violence unit, and the children's advocacy center; provided, that not less than \$125,000 shall be expended for a North Dorchester safe neighborhood initiative, so-called, in Suffolk county; provided further, that not less than \$125,000 shall be expended for a safe neighborhood initiative, so-called, in Suffolk county; provided further, that not less than \$278,713 shall be expended for a community-based juvenile justice prosecution program to be administered

and operated in the city of Boston and in Suffolk county for priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 275; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2000 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 1999 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000 \$13,687,571

General Fund 93.0%
Victim and Witness Assistance Fund 7.0%

Middlesex District Attorney.

0340-0200 For the Middlesex district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than \$341,815 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in the former Middlesex county in cities which shall include, but not be limited to, Lowell, Malden, Everett, Somerville, Medford, Cambridge and Woburn for priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 275 of this act; provided further, that said office

shall submit a report to the house and senate committees on ways and means not later than February 1, 2000 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 1999 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000 \$10,020,751

General Fund	89.0%
Victim and Witness Assistance Fund	11.0%

Essex District Attorney.

0340-0300 For the Essex district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that not less than \$156,670 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in the cities of Lawrence and Lynn for priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 275 of this act; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2000 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 1999 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases where cases were managed or prosecuted; and provided further, that said office shall submit a report detailing by case, the

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instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000	\$6,659,127
General Fund	89.0%
Victim and Witness Assistance Fund	11.0%

Worcester District Attorney.

0340-0400 For the Worcester district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that not less than \$126,000 shall be used for an anti-gang unit, so-called; provided further, that \$210,000 shall be expended for the costs associated with six-person jury sessions; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2000 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 1999 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000	\$7,088,495
General Fund	92.0%
Victim and Witness Assistance Fund	8.0%

Hampden District Attorney.

0340-0500 For the Hampden district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that not less than \$268,500 shall be used for a specialized homicide trial unit; provided further, that not less than \$156,421 shall be expended for	
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a community-based juvenile justice prosecution program to be administered and operated in the cities of Holyoke and Springfield for priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 275 of this act; provided further, that not less than \$400,000 shall be expended for the continued implementation and operation of the Hampden county anti-gang project, so-called, a comprehensive, organized and strategic effort of prosecution and law enforcement officials to identify, contain and prevent the existence, operation and mobility of gangs and gang activity and to prosecute the same; provided further, that the district attorney for Hampden county shall administer and direct said project in consultation with the chiefs of police of each city and town within Hampden county, the state police, the sheriff of Hampden county and all appropriate federal law enforcement authorities; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2000 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 1999 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000 \$6,147,137

General Fund	87.0%
Victim and Witness Assistance Fund	13.0%

Hampshire/Franklin District Attorney

0340-0600 For the Hampshire/Franklin district attorney's office, including the victim and witness assistance program, the

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child abuse and sexual assault prosecution program and the domestic violence unit; provided, that not less than \$150,000 shall be expended for the salaries and expenses of a children's advocacy project, so-called; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2000 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 1999 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000 \$3,725,397

General Fund	86.0%
Victim and Witness Assistance Fund	14.0%

Norfolk District Attorney.

0340-0700 For the Norfolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2000 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 1999 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000 \$6,301,869

General Fund	89.0%
Victim and Witness Assistance Fund	11.0%

Plymouth District Attorney.

0340-0800	For the Plymouth district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that not less than \$90,437 shall be expended for a community based juvenile justice prosecution program to be administered and operated in the city of Brockton for priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health pursuant to section 275 of this act; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2000 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 1999 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000	\$5,607,076
General Fund	88.0%	
Victim and Witness Assistance Fund	12.0%	

Bristol District Attorney.

0340-0900	For the Bristol district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided further, that said office shall submit a report to the house and senate committees on ways and means not
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later than February 1, 2000 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 1999 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000 \$5,764,986

General Fund 87.0%

Victim and Witness Assistance Fund 13.0%

Cape and Islands District Attorney.

0340-1000 For the Cape and Islands district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that not less than \$90,245 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in Barnstable county for the priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 275; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000; provided further, that not less than \$20,000 shall be expended for the Cape and Islands Child Advocacy Center; and provided further, that one additional elder abuse prosecutor shall be funded from this line item in fiscal year 2000. . . . \$2,699,304

General Fund 83.0%

Victim and Witness Assistance Fund 17.0%

Berkshire District Attorney.

0340-1100 For the Berkshire district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that not less than \$68,386 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in the county of Berkshire for priority prosecution of serious juvenile offenders and intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 275 of this act; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2000 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 1999 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 1999 and fiscal year 2000, to the house and senate committees on ways and means not later than February 1, 2000 \$2,564,333

General Fund 0.0%

Victim and Witness Assistance Fund 20.0%

District Attorneys Association.

0340-2100 For a reserve for the implementation and related expenses of the district attorney's office automation and case management and tracking system; provided, that expenses associated with said system may be charged directly to this item; provided further, that each district attorney shall submit a report to the Massachusetts District Attorneys Association and the house and senate committees on ways and means delineating all funds expended for the purpose

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of implementing said case management and tracking system not later than January 1, 2000; provided further, that said report shall include, but not be limited to, an analysis of the total cost of the district attorneys' computer network, the total cost incurred by each district attorney's office, a detailed list of all hardware and software leased, owned or operated by each district attorney, a plan for any purchases to be made in the remainder of fiscal year 2000 and a detailed summary of any policies implemented to contain the costs of said network by either the Massachusetts District Attorneys Association or the individual district attorney's offices; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein \$1,512,412

General Fund 100.0%

EXECUTIVE.

- 0411-1000 For the offices of the governor, the lieutenant governor, and the governor's council; provided, that the amount appropriated herein maybe used at the discretion of the governor for the payment of extraordinary expenses not otherwise provided for, and may be transferred to items of appropriation where the amounts otherwise available may be insufficient; provided further, that \$25,000 shall be expended for office supplies for the offices of the governor's council; and provided further, that not less than \$75,000 shall be expended for a program for the promotion of preventive medicine through physical fitness and sports activities in the commonwealth to be administered by the governor's committee on physical fitness and sports, prior appropriation continued \$5,119,683
- 0411-1010 For the governor's commission on mental retardation. \$208,088

SECRETARY OF STATE.

- 0511-0000 For the operation of the office of the secretary; provided, that \$125,000 shall be expended for the costs of complying with the provisions of chapter 281 of the acts of 1995; provided further, that not less than \$16,640 shall be

	expended for increased staffing of the state house tours desk; provided further, that \$175,000 shall be expended for the corporation dissolution project, so-called; provided further, that \$50,000 shall be expended for the one stop shopping program, so-called; provided further, that \$27,000 shall be expended for the limited liability partnership/corporation program, so-called; provided further, that said office shall submit a report detailing staffing patterns for each program operated by said office; provided further, that said report shall include, but not be limited to, actual and functional job titles by program, compensation rates and lengths of service for each employee; provided further, that said office shall submit said report not later than March 1, 2000 to the house and senate committees on ways and means; provided further, that funds shall be expended for an address confidentiality for victims of domestic violence pilot program to be developed in conjunction with the Massachusetts Coalition of Battered Women Service Groups; and provided further, that \$202,832 shall be expended for the salaries of one press assistant and one communications director to serve in the executive office, one general clerk, one input clerk, and one clerk for the public room, to serve in the corporations division, one bilingual specialist to serve in the citizen information division, one enforcement attorney to serve in the securities division and one part time administrative assistant to serve in the tours division and for no other purpose	\$7,073,863
0511-0001	The state secretary may expend revenues not to exceed \$30,000 from the sale of merchandise at the Massachusetts state house gift shop for the purpose of replenishing and restocking gift shop inventory	\$30,000
0511-0200	For the operation of the state archives division	\$557,605
0511-0220	For the costs associated with the archiving of artifacts recovered during the Central Artery/Third Harbor Tunnel Project, so-called	\$126,200
0511-0230	For the operation of the records center	\$179,116
0511-0250	For the operation of the archives facility	\$608,188
0511-0260	For the operation of the commonwealth museum	\$247,764

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0517-0000	For the printing of public documents	\$1,208,087
0521-0000	For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the secretary of state is hereby authorized to award grants for voter registration and education in the cities of Boston, Springfield, and Worcester; provided further, that such activity may be conducted by community-based voter registration and education organizations; and provided further, that the secretary of state shall submit a report to the house and senate committees on ways and means on February 1, 2000 detailing the amount appropriated for the purposes of providing reimbursements for the costs of extended polling hours from this item to each city or town	\$3,132,843
0521-0001	For the operation of the central voter registration computer system; provided, that an annual report detailing voter registration activity shall be submitted to the house and senate committees on ways and means before 5:00p.m. on February 1, 2000; and provided further, that a report detailing the status, remaining costs and further implementation requirements of the central voter registration system shall be submitted to the house and senate committees on ways and means not later than December 1, 1999	\$3,487,362
0524-0000	For providing information to voters	\$174,839
0526-0100	For the operation of the Massachusetts historical commission. . .	\$1,200,005
0526-0101	For a program of matching grants to units of municipal government and to private, nonprofit organizations for the preservation of historic properties, landscapes and sites; provided, that such funds shall be awarded in accordance with regulations promulgated by the state secretary in his capacity as chairman of the Massachusetts historical commission; provided, that not more than \$40,000 shall be expended for a one-time grant to the town of Hopedale for the rehabilitation of the statue of hope on the grounds of the Bancroft Memorial Library; and provided further, that not more than \$500,000 shall be expended for the rehabilitation, repairs and improvements to historic Stetson hall in the town of Randolph	\$540,000

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0527-0100	For the operation of the ballot law commission	\$17,500
0528-0100	For the operation of the records conservation board	\$35,261
0540-0000	For the purchase and installation of computer hardware and software technology for the registries of deeds; provided, that the state secretary is hereby directed to submit a spending plan on or before January 1, 2000 detailing all planned expenditures to be made from this item to the secretary of administration and finance and the house and senate committees on ways and means; provided further, that said plan shall be developed in collaboration with the registry of deeds whose operations have been transferred to the jurisdiction of said secretary; provided further, that said plan should detail the type and quantity of technology purchased for each registry in fiscal year 2000 and projected for fiscal year 2001 and should include, but not be limited to, a plan to insure state wide compatibility with all other registries and users of said registries; and provided further, that no funds shall be expended or transferred from this item until said spending plan is submitted	\$1,260,000
0540-0900	For the Northern Essex registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all	

automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001; and provided further, that not less than \$70,000 shall be made available for the renovation of the Northern Essex registry of deeds \$1,007,640

0540-1000 For the Southern Essex registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 \$2,564,560

0540-1100 For the Franklin county registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means, detailing the level of

resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 \$500,854

0540-1200 For the Hampden county registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to,

position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 \$1,778,179

0540-1300 For the Hampshire county registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 \$556,980

0540-1400 For the Northern Middlesex registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and

senate committees on ways and means detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 \$1,379,202

0540-1500 For the Southern Middlesex registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel

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employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 \$3,662,429

0540-1600 For the northern Berkshire registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 \$259,918

0540-1700 For the central Berkshire registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final

spending plan for fiscal year 2000 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and total projected deeds excise tax revenue for fiscal year 2001 \$470,298

0540-1800 For the southern Berkshire registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said registry shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that shall spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans

shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 \$244,780

0540-1900 For the Suffolk registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001; and provided further, that one additional assistant register be appointed and funded from this line item in fiscal year 2000 \$2,432,103

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- 0540-2000 For the Worcester North registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 \$565,436
- 0540-2100 For the Worcester registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure

classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 \$2,447,974

TREASURER AND RECEIVER-GENERAL.

Office of the Treasurer and Receiver-General.

- 0610-0000 For the office of the treasurer and receiver-general; provided, that the treasurer shall provide computer services required by the teachers' retirement board; provided further, that to the extent that bank fees, so-called, exceed the amount appropriated in item 0610-0100, the treasurer is authorized, subject to an allocation plan filed in advance with the house and senate committees on ways and means, to transfer from this item to said item, an amount sufficient to ensure full payment of said bank fees; and provided further, that the state treasurer shall collaborate with the secretary of administration and finance, the secretary of transportation and construction and the executive director of the Massachusetts Bay Transportation Authority to take all steps necessary to implement the MBTA forward funding initiative in fiscal year 2000 in order to establish said authority as a self-financing entity not later than July 1, 2000. . . . \$6,840,982
- General Fund 50.0%
Local Aid Fund 40.0%
Highway Fund 10.0%
- 0610-0100 For the payment of bank fees; provided that said fees shall not be paid through compensating balances, so-called; provided further, that the treasurer shall make every effort to reduce and eliminate said fees in fiscal year 2000; and provided further, that the treasurer shall submit to the

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	house and senate committees on ways and means, a report detailing a plan to reduce and eliminate said fees, not later than February 1, 2000	\$5,300,000
	General Fund	50.0%
	Local Aid Fund	40.0%
	Highway Fund	10.0
0610-1500	For tuition payments as required by section 12B of chapter 76 of the General Laws notwithstanding the provisions of chapter 29 of the General Laws to the contrary; provided, that the state treasurer may expend in anticipation of revenue such amounts as are necessary to meet such payments; and provided further, that the state treasurer shall deduct the amount expended from this account from items 7061-0008 and 0611-5500 and from the amounts specified in section 3, in accordance with the provisions of said section 12B of said chapter 76.	
0611-1000	For bonus payments to war veterans	\$19,000
0611-5000	For compensation to victims of violent crimes; provided, that notwithstanding the provisions of chapter 258C of the General Laws, if a claimant is 60 years of age or older at the time of the crime and is not employed or receiving unemployment compensation, such claimant shall be eligible for compensation in accordance with said chapter even if the claimant has suffered no out-of-pocket loss; provided further, that compensation to such claimant shall be limited to a maximum of \$50; and provided further, that notwithstanding the provisions of any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape victims including, but not limited to, the provisions outlined in section 5 of chapter 258B of the General Laws.	\$2,200,000
	General Fund	78.21%
	Victim and Witness Assistance Fund	21.79%
0611-5500	For additional assistance to cities and towns to be distributed according to the provisions of section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that said distribution to said public entities shall equal \$1,249,948	\$477,565,226

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0611-5510 For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws \$15,000,000
Local Aid Fund 100.0%

0611-5800 For distribution to each city and town within which racing meetings are conducted pursuant to section 18D of chapter 58 of the General Laws \$1,605,752
Local Aid Fund 100.0%

Pension Benefits.

0612-0105 For payment of the public safety employee killed in the line of duty benefit authorized by section 100A of chapter 32 of the General Laws \$500,000
Local Aid Fund 100.0%

0612-1010 For the Commonwealth's Pension Liability Fund established under section 22 of chapter 32 of the General Laws; provided, that the amount appropriated herein shall constitute the third payment of a 20 year funding schedule for the commonwealth's unfunded pension liability; provided further, that said funding schedule shall be predicated upon an assumed investment rate-of-return of eight and one quarter per cent; provided further, that the actuarial liability assumption underlying said schedule shall be updated from actuarial assumptions underlying the previous schedule to reflect the industry standard gender distinct 1983 Group Annuity Mortality Table, so-called; provided further that the actuarial valuation of said schedule shall be further updated to reflect a five year average valuation of assets and shall not be based on the market value of the assets of the Commonwealth Pension Liability Fund; provided further, that said five year average valuation shall be adopted over a period of years recommended by the public employee retirement administration commission; provided further, that said amount shall meet the commonwealth's obligations under section 22C of said chapter 32, including retirement benefits payable by the state employees' and the state teachers' retirement systems for the costs associated with a 3 per cent cost-of-living adjustment pursuant to the provisions of section 102 of

said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to section 102 of said chapter 32, and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984; provided further, that subject to the rules and regulations promulgated by the treasurer, the state retirement board and each city, town, county and district shall verify the cost thereof and the treasurer shall be authorized to make such payments upon a transfer of funds as hereinafter provided, to reimburse certain cities and towns for pensions to retired teachers and including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems and including the commonwealth's share of the amounts to be appropriated pursuant to section 22B of said chapter 32 and the amounts to be appropriated pursuant to paragraph (a) of the third paragraph of section 21 of chapter 138 of the General Laws; provided further, that all payments for the purposes herein described shall be made only pursuant to distribution of monies from said fund; provided further, that any such distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of such distribution; provided further, that such distributions shall not be made in advance of the date on which any payment is actually to be made; provided further, that the state retirement board is authorized to expend an amount for the purposes of the higher education coordinating council's optional retirement program pursuant to section 40 of chapter 15A of the General Laws; provided further, that except where authorized herein, no funds shall be expended from this item, other than deposits to the Commonwealth's Pension Liability Fund; and provided further, that to the extent that the amount appropriated herein exceeds the amount necessary to adequately fund this item, said excess amount shall be credited to the pension reserve investment trust fund of the

	commonwealth for the purpose of reducing the unfunded pension liability of the commonwealth	\$910,024,000
	Local Aid Fund	59.0%
	General Fund	33.9%
	Highway Fund	7.0%
	Inland Fisheries and Game Fund	0.1%
0612-1506	For a reserve to meet the commonwealth's obligation for the fiscal year ending June 30, 2000, pursuant to section 22B of chapter 32 of the General Laws, to reduce the unfunded pension liabilities of public retirement systems, other than the state employee and state teachers systems; provided, that the distribution from this reserve shall be based upon a determination by the secretary of administration and finance of actual payroll costs for the fiscal year ending June 30, 1999	\$7,916,682
0612-2000	For retirement benefits authorized pursuant to chapters 712 and 721 of the acts of 1981, chapter 154 of the acts of 1983, chapter 67 of the acts of 1988 and chapter 621 of the acts of 1989, for the compensation of veterans who may be retired by the state board of retirement, including individuals formerly in the service of the division of employment security whose compensation for such service was paid in full from a grant from the federal government and for the cost of medical examinations in connection therewith, for pensions of retired judges or their widows or widowers, for retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission, for retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission, for retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district, for retirement allowances of certain veterans formerly in the service of the metropolitan water system and for annuities for widows or widowers of certain former members of the uniformed branch of the state police	\$19,433,757
	General Fund	82.2%
	Highway Fund	17.8%

Commission on Firefighters' Relief.

0620-0000	For financial assistance to injured firefighters	\$9,808
	Local Aid Fund	100.0%

Emergency Finance Board.

0630-0000	For the operation of the emergency finance board; provided, that notwithstanding the provisions of any general or special law to the contrary, no employee of the department of revenue shall receive any reimbursement for services from this item	\$70,351
	Local Aid Fund	100.0%

Lottery Commission.

0640-0000	For the operation of the state lottery commission and arts lottery; provided, that no funds shall be expended from this item for any costs associated with the promotion or advertising of lottery games; provided further, that positions funded by this item shall not be subject to chapters 30 and 31 of the General Laws; provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the general fund; and provided further, that no funds appropriated herein shall be scheduled in, transferred to, or expended from, the EE subsidiary, so-called, of this item	\$34,929,191
0640-0005	For the costs associated with the continued implementation of the game of keno, so-called; provided, that any sums expended on promotional activities shall be limited to point of sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the general fund	\$1,360,141
0640-0010	For the promotional activities associated with the state lottery program; provided, that such promotional expenses shall be limited to point-of-sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the general fund	\$400,000
0640-0045	For the telecommunication lease-to-purchase costs associated with the replacement of the commission's computer	

system; provided, that 25 per cent of this appropriation shall be transferred quarterly from the State Lottery Fund to the general fund \$8,785,636

0640-0096 For the purpose of the commonwealth's fiscal year 2000 contributions to the health and welfare fund established pursuant to the collective-bargaining agreement between the state lottery commission and the Service Employees International Union, Local 254, AFL-CIO; provided, that said contributions shall be paid to said trust fund on such basis as said collective bargaining agreement provides \$280,410

0640-0103 For the operation of the state lottery commission and arts lottery; provided, that all funds appropriated herein shall be scheduled in and expended from the EE subsidiary, so-called; provided further, that no funds shall be expended from any other subsidiary except said EE subsidiary, so-called; provided further, that said commission is hereby directed to use the most cost-effective paper products for producing instant tickets; provided further, that said commission is also directed to use recycled paper products for producing instant tickets and bet slips whenever possible; provided further, that no funds shall be expended from this item for any costs associated with advertising lottery games; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the general fund \$27,032,847

Massachusetts Cultural Council.

0640-0300 For the services and operations of the Massachusetts cultural council; including grants to or contracts with public and non-public entities; provided, that notwithstanding the provisions of any general or special law to the contrary, the council may expend the amounts herein appropriated for the purposes of the council as provided in sections 52 to 58, inclusive, of chapter 10 of the General Laws in such amounts and at such times as the council may determine pursuant to section 54 of said chapter 10; provided further that a one-time grant of \$65,000 shall be obligated to the Newburyport Choral Society for its sixty-fifth anniversary, celebration; provided further, that no less than \$2,500 shall be obligated for support of the West Newbury

Volunteer Band; provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Arts Lottery Fund to the general fund; provided further, that any funds expended from this item for the benefit of schoolchildren shall be expended for the benefit of all Massachusetts schoolchildren and on the same terms and conditions; provided further, that the council shall not expend funds from this item for any grant or contract recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren; provided further, that \$1,000,000 of the funds appropriated herein shall be used to assist cultural organizations in augmenting or initiating endowments to promote the financial stability of such organizations and said assistance shall be in the form of challenge grants to said organizations; provided further, that in order to receive such grants a cultural organization must raise an amount at least equal to the amount of the grant for said organization's endowment; provided further, that funds provided by such grants shall, in perpetuity, be used solely to provide free or reduced rate public programs or services to citizens of the commonwealth; provided further, that no grant made under this program shall exceed \$100,000; provided further, that \$50,000 shall be expended for the Riverside Theater Works, so-called; provided further, that a one-time grant of \$50,000 shall be obligated to the Sydney singers, so-called, Massachusetts' choral representative to the Olympic Games of 2000; and provided further, that persons employed under this item shall be considered employees within the meaning of section 1 of chapter 150E of the General Laws and shall be placed in the appropriate bargaining units \$14,203,796

0640-0350 For the purposes of cultural resources pursuant to section 36 of chapter 69 of the General Laws including grants to or contracts with public and non-public entities; provided, that the council shall not expend funds from this item for any recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren \$3,329,850

Debt Service.

0699-0015 For the payment of interest, discount and principal on certain bonded debt and the sale of bonds of the commonwealth, previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Parks District Fund, the M.D.C. Water District Fund, the M.D.C. Sewerage District Fund, the Watershed Management Fund, the Highway Fund, and the Inter-City Bus Fund; provided, that payments of certain serial bonds maturing previously charged to the Local Aid Fund, the State Recreation Areas Fund, the M.D.C. Water District Fund, the M.D.C. Sewerage District Fund, and the Highway Fund shall be paid from this item; provided further, that payments on bonds issued pursuant to section 2 O of chapter 29 of the General Laws shall be paid from this item and shall be charged to the Infrastructure sub-fund of the Highway fund; provided further, that payments of interest, discount and principal on certain bonded debt of the commonwealth associated with the Watershed Management Fund for the acquisition of development rights and other interests in land, including fee simple acquisitions of watershed lands of the Quabbin and Wachusett reservoirs and the Ware river watershed above the Ware river intake pipe shall be paid from this item; and provided further, that notwithstanding the provisions of any general or special law to the contrary or the provisions of this item, the comptroller is hereby authorized to charge the payments authorized herein to the appropriate budgetary or other fund subject to a plan which the comptroller shall file ten days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the government land bank fund an amount equal to the amount by which debt service charged to said fund exceeds revenue deposited to said fund \$1,199,232,000

General Fund	56.34%
Highway Fund	31.93%
Local Aid Fund	11.39%
Watershed Management Fund	0.34%

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0699-9100	For the payment of interest and issuance costs on bonds and bond and revenue anticipation notes and other notes pursuant to sections 47 and 49B of chapter 29 of the General Laws; provided, that the treasurer shall certify to the comptroller a schedule of the distribution of such costs among the various funds of the commonwealth; provided further, that the comptroller shall charge such costs to such funds in accordance with such schedule; and provided further, that any deficit in this item at the close of the fiscal year ending June 30, 2000 shall be charged to the various funds or to the General Fund or Highway Fund debt service reserves	\$5,000,000
0699-9101	For the purpose of depositing with the trustee under the trust agreement authorized in section 10B of chapter 11 of the acts of 1997, as amended, an amount to be used to pay the interest due on notes of the commonwealth issued pursuant to section 9 of said chapter 11, as amended, and secured by the Federal Highway Grant Anticipation Note Trust Fund. . .	\$80,000,000
0699-9200	For certain debt service contract assistance to the Massachusetts Development Finance Agency in accordance with chapter 23G of the General Laws	\$13,282,178

STATE AUDITOR.

Office of the State Auditor.

0710-0000	For the office of the state auditor, including the review and monitoring of privatization contracts in accordance with the provisions of sections 52 to 55, inclusive, of chapter 7 of the General Laws, oversight of state agency year 2000 compliance efforts, and shared oversight of the central artery and third harbor tunnel project; provided, that a report shall be submitted to the house and senate committees on ways and means not later than September 30, 1999 delineating the privatization contracts reviewed and monitored during fiscal year 1999; and provided further, that such report shall further detail the number of full-time equivalent positions assigned by said office for the review of each of the aforementioned privatization contracts	\$13,907,928
0710-0100	For the operation of the division of local mandates	\$737,780
	Local Aid Fund	100.0%

ATTORNEY GENERAL.

0810-0000	For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with the provisions of chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the general court and the secretary of administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0611-5000 indicating both the number and costs for each category of claim; provided further, that funds may be expended for an amount up to \$250,000 for a grants program for the safe neighborhood initiative-jobs for youth program; provided further, that funds shall be expended for rent, expenses, staffing, and training for regional consumer protection and civil wage enforcement offices in Worcester and New Bedford; provided further, that the attorney general shall submit a report to the house and senate committees on ways and means not later than January 15, 2000 detailing the annualized costs of operating said regional offices; provided further, that the costs of the Worcester and New Bedford regional offices shall not annualize in fiscal year 2001 to an amount higher than the amount appropriated herein for said regional offices; provided further, that funds appropriated herein shall be expended for a high-tech crime unit, so-called; and provided further, that the public proceedings unit shall review the water rate increases	\$19,169,105
	General Fund	92.74%
	Local Aid Fund	3.91%
	Anti-Trust Law Enforcement Fund	1.98%
	Victim and Witness Assistance Fund	0.88%
	Safe Drinking Water Act Fund	0.49%
0810-0003	For the establishment of a child protection unit, so-called	\$250,000
0810-0014	For the operation of the department of telecommunications and energy proceedings unit pursuant to section 11E of chapter 12 of the General Laws	\$1,620,156

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- 0810-0017 For the expenses related to judicial proceedings relevant to the fuel charge pursuant to section 94G of chapter 164 of the General Laws and such other proceedings as may be reasonably related to said section; provided, that said assessment shall be credited to the general fund \$75,000
- 0810-0021 For the operation of the medicaid fraud control unit; provided, that the federal reimbursement for any expenditure from this item shall not be less than 75 per cent of such expenditure; provided further, that not less than \$225,000 shall be expended for the exclusive purpose of hiring three additional attorneys and three additional investigators for the investigation and prosecution of abuse, neglect, mistreatment and misappropriation based on referrals from the department of public health pursuant to section 72H of chapter 111 of the General Laws; provided further, that the unit shall provide training for all investigators of said department's division of health care quality responsible for such investigations on a periodic basis pursuant to a comprehensive training program to be developed by the division and said unit; and provided further, that such training shall include instruction on techniques for improving the efficiency and quality of investigations of abuse, neglect, mistreatment and misappropriation pursuant to said section 72H \$1,758,222
- 0810-0045 For the labor law enforcement program pursuant to subsection (b) of section 1 of chapter 23 of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, any non-management position funded by this item shall be deemed a job title in a collective bargaining unit as prescribed by the labor relations commission and shall be subject to the provisions of chapter 150E of the General Laws \$3,093,976
- 0810-0201 For the costs incurred in administrative or judicial proceedings on insurance as authorized by section 11F of chapter 12 of the General Laws; provided, that funds made available herein may be used to supplement the automobile insurance fraud unit and the workers' compensation fraud unit of the office of the attorney general \$1,449,971

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0810-0338	For the investigation and prosecution of automobile insurance fraud; provided, that notwithstanding the provisions of section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$248,276	\$248,276
0810-0399	For the investigation and prosecution of workers' compensation fraud; provided, that notwithstanding the provisions of section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$480,333; provided further, that the attorney general is hereby authorized and directed to investigate and prosecute, where appropriate, employers who fail to provide workers' compensation insurance in accordance with the laws of the commonwealth; and provided further, that said unit shall investigate and report on all companies not in compliance with chapter 152 of the General Laws	\$480,333

Commission on Uniform State Laws.

0830-0100	For the commission on uniform state laws	\$34,400
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Victim Witness Assistance Board.

0840-0100	For the operation of the Massachusetts office for victim assistance	\$338,813
	Victim and Witness Assistance Fund	100.0%
0840-0101	For the salaries and employee benefits of the safeplan advocacy program, including the advocates in the Hampshire probate and family court and the Northampton and Ware district courts; provided, that \$37,000 from said program shall be made available for the salary and expenses of a coordinator or supervisor of said program within the Massachusetts office of victim assistance; provided further, that said office shall submit to the house and senate committees on ways and means on or before February 3, 2000 a report detailing the effectiveness of contracting for said program including, but not limited to, the number and types of incidents to which such advocates responded, the types of service and service referrals provided by such domestic violence advocates, the cost of providing such contracted services and the extent of coordination with other service providers and state agencies	\$445,027

STATE ETHICS COMMISSION.

0900-0100	For the operation of the state ethics commission, including costs associated with attending the council on government ethics laws conference, so-called	\$1,503,429
	General Fund	50.0%
	Local Aid Fund	50.0%

OFFICE OF THE INSPECTOR GENERAL.

0910-0200	For the operation of the office of the inspector general	\$2,260,448
0910-0210	The office of the inspector general is hereby authorized to expend revenues collected up to a maximum of \$300,000 from the fees charged to participants in the Massachusetts public purchasing official certification program and the certified public manager program for the operation of said programs; provided, that for the purpose of accommodating discrepancies between the receipts of retained revenues and related expenditures, the office of the inspector general may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system	\$300,000
0910-0220	The office of the inspector general is hereby authorized to expend revenues collected up to a maximum of \$100,000 from the fees charged to participants in a training and certification program to provide construction professionals with a sound foundation for careers in the commonwealth's construction agencies; provided, that said program may include, but is not limited to, instruction on construction delivery methods such as design/build, construction management techniques such as partnering and relevant procedures such as public contracts, procurement, capital funding, public bidding, estimating, scheduling and cost management; provided further, that the office of inspector general shall consult on said program with the commonwealth construction committee, so-called, representing, but not limited to, the executive office for administration and finance, the department of highways, the division of capital asset management and maintenance, the department of housing and community development,	

and the executive office of environmental affairs; and provided further, that for the purpose of accommodating discrepancies between the receipts of retained revenues and related expenditures, the office of the inspector general may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$100,000

OFFICE OF CAMPAIGN AND POLITICAL FINANCE.

0920-0300 For the operation of the office of campaign and political finance \$892,499
General Fund 50.0%
Local Aid Fund 50.0%

0920-0302 For advance funding of the requirements established pursuant to chapter 55A of the General Laws for public financing of elections for constitutional officers, councillors and members of the General Court of the Commonwealth; provided, that the amount appropriated herein shall be transferred to the Massachusetts clean elections fund, established pursuant to section 42 of chapter 10 of the General Laws, and shall not be available for appropriation from said fund until the elections scheduled to be held in the year 2002 \$10,000,000

COMMISSION ON THE STATUS OF WOMEN.

0950-0000 For the commission on the status of women \$195,000

OFFICE OF THE STATE COMPTROLLER.

1000-0001 For the office of the state comptroller for the purpose and cost of compliance with the Single Audit Act of 1984, Public Law 89-502, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June 30, 2000 in accordance with generally accepted accounting principles; provided, that the office of the comptroller shall charge other items of appropriation for the cost of said audit from allocated federal funds transferred from federal reimbursement and grant receipts; provided further, that the office of the comptroller shall charge not more than a total of \$525,000 to other items of

appropriation for the cost of said audit; provided further, that notwithstanding any general or special law to the contrary, allocated federal funds transferred from federal reimbursement and grant receipts shall be credited to and expended from this item without further appropriation, in addition to state funds appropriated to this item, for the cost of compliance with the mandate of the federal law and the office of management and budget regulations; provided further, that the amount of any such federal funds and grant receipts so credited and expended from this item shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and nontax revenue unit which shall operate under policies and procedures developed in conjunction with the secretary of administration and finance; and provided further, that the comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services, the full year estimate of revenues and revenues collected \$7,606,831

General Fund 93.81%

Revenue Maximization Fund 6.19%

1000-0004 The office of the comptroller is hereby authorized and directed to expend an amount not to exceed \$10,000 from fees collected from vendors who participate in training on statewide financial systems including, but not limited to, the Massachusetts management accounting and reporting system; provided, that said office is hereby further authorized and directed to provide such training, to offer sessions to vendors who do business with the commonwealth and to establish and charge a reasonable fee for such training \$10,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.
Office of the Secretary.

1100-1100 For the office of the secretary; provided, that the secretary shall collaborate with the secretary of transportation and construction, the state treasurer and the executive director of the Massachusetts Bay Transportation Authority to take all steps necessary to implement the MBTA forward

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funding initiative in fiscal year 2000 in order to establish said authority as a self-financing entity not later than July 1, 2000 \$1,363,971

- 1100-1101 For the implementation of the Massachusetts performance enhancement program pursuant to section 143 \$50,000

Office of Dispute Resolution.

- 1100-1103 For the operation of the office of dispute resolution \$451,192

- 1100-1104 The office of dispute resolution may expend an amount not to exceed \$150,000 in revenues collected from fees charged to cities, towns or public instrumentalities and other political subdivisions of the commonwealth or to corporations and individuals for the costs of mediation and related services; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the office of dispute resolution may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the cost of personnel \$150,000

Central Business Office.

- 1100-1140 For the operation of the central business office; provided, that said office shall quantify office expenditures which can and shall be reduced through shared contracts, bulk purchasing and other centralized procurement savings programs for the agencies served by said office; and provided further, that documentation of said expenditures and any resulting savings shall be submitted to the house and senate committees on ways and means no later than December 1, 1999 \$1,989,761

Massachusetts Corporation For Educational Telecommunications.

- 1100-1400 For a payment to the Massachusetts corporation for educational telecommunications; provided, that \$385,000 shall be expended for JFY.net, so-called, a Jobs for Youth initiative for high technology literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies; provided further, that said corporation shall

submit a spending plan which details the total actual and projected expenditures and revenues for fiscal years 1999 through 2001, inclusive; provided further, that said spending plan shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; and provided further, that said report and said spending plan shall be filed with the house and senate committees on ways and means no later than December 1, 1999 \$4,062,000

State House Physician.

1100-2600 For the emergency services and expenses of a physician, and for medical supplies in the state house, including the purchase of equipment in connection therewith; provided, that section 21 of chapter 30 of the General Laws shall not apply to the payments made under this item, prior appropriation continued \$26,170

Fiscal Affairs Division.

1101-2100 For the administration of the fiscal affairs division including costs associated with a capital budgeting program; provided, that charges for the cost of computer resources and services provided by the information technology division for the design, development and production of reports and information required to be included in budgets submitted by the governor to the legislature shall not be charged to this item \$2,158,062

Division of Capital Asset Management and Maintenance.

1102-3204 For a reserve to meet the costs of scheduled and deferred maintenance and repairs to capital assets owned by the commonwealth; provided, that the funds appropriated herein shall be allocated in fiscal year 2000 for scheduled and deferred maintenance repairs contingent upon the commissioner's submission of a plan detailing the cost and nature of such maintenance and repair projects; provided further, that said plan shall be submitted to the secretary of administration and finance, the state budget director and the house and senate committees on ways and means not later than January 1, 1999; provided further, that not less than \$100,000 shall be expended for the purpose of a

feasibility study to examine the relocation of the Norfolk probate court; provided further, that the report shall be submitted to the house and senate committees on ways and means and the fiscal affairs division not later than March 1, 2000; provided further, that the total square footage of assets under the control and custody of any agency shall not serve as the primary criterion for prioritizing projects to be funded pursuant to said plan; provided further, that said plan may select agencies to participate in a pilot program of comprehensive asset maintenance; provided further, that participation in said pilot program shall be based on a determination that an agency has the statutory capacity to charge user fees or raise other recurring revenues to support the ongoing costs of scheduled maintenance for assets under its control and custody; provided further, that any such agency so selected shall be required to propose the schedule of fees and recurring revenues that shall sustain such a program of ongoing maintenance; provided further, that said plan shall further detail how projects funded by this item alleviate or otherwise impact the costs and schedules of maintenance and repairs otherwise funded or required to be funded by bonded indebtedness; provided further, that the commissioner may transfer funds from this item to other items of appropriation and allocations in accordance with said plan; provided further, that the commissioner shall ensure that funds previously budgeted for the purposes of capital asset maintenance and repairs in the operating budget of an agency shall continue to be used for such purposes and shall not be replaced or supplanted by the amount appropriated herein; provided further, that no funds appropriated herein shall be expended for routine upkeep including, but not limited to, janitorial services, grounds-keeping and trash collection; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner may, upon the request of a state agency delegate project control and supervision to said agency for projects funded from this item with an estimated cost of not more than \$500,000 upon determination that said agency has the ability to

- control and supervise such project; provided further, that projects not exceeding said \$500,000 in costs shall not be subject to the provisions of 39B to 40N, inclusive, of chapter 7 of the General Laws; and provided further, that amounts allocated to projects in excess of \$500,000 shall remain available for expenditure until June 30, 2001 \$14,000,000
- 1102-3205 The division of capital asset management and maintenance may expend for the maintenance and operation of the Massachusetts information technology center an amount not to exceed \$6,500,000 in revenues collected from rentals, commissions, fees, parking fees and any and all other sources pertaining to the operations of said center; provided, that the building manager selected by the division shall make such expenditures on behalf of the division pursuant to the provisions of section 2AA of chapter 29 of the General Laws; and provided further, that notwithstanding the provisions of any general or special law to the contrary, and for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditure, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system. . . . \$6,500,000
- State Building Management Fund 100.0%
- 1102-3206 For the costs associated with the maintenance and security of surplus state properties, so-called; provided, that not more than \$500,000 shall be expended for basic maintenance and security needs of the state buildings at Medfield State Hospital \$1,672,185
- 1102-3210 For the operation of the division of capital asset management and maintenance including directing, controlling, supervising, planning and overseeing the scheduled maintenance and repair needs of capital assets owned by the commonwealth; provided, that said division shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of said division, and for all administrative and personnel expenses of said division charged to said bonds; provided further, that all

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- such amounts so reported shall be detailed by object code; provided further, that the costs of personnel associated with the comprehensive capital assets maintenance system to be known as CCAMS, established pursuant to section 317, shall not annualize to an amount greater than \$300,000 as appropriated in item 1102-1992 of section 2A of chapter 55 of the acts of 1999; and provided further, that said reports shall be filed not later than 30 days after the end of each quarter \$5,502,791
- 1102-3214 For the state transportation building; provided, that the division of capital asset management and maintenance may expend revenues collected up to a maximum of \$6,700,000 from rentals, commissions, fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building for the maintenance and operation of said building; provided further, that the building manager selected by said division shall make such expenditures on behalf of said division pursuant to the provisions of section 2AA of chapter 29 of the General Laws; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division of capital asset management and maintenance may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$6,700,000
- State Building Management Fund 100.0%
- 1102-3221 The division of capital asset management and maintenance may expend for consultant personnel, and associated costs up to a maximum of \$75,000 from revenues received for project management services provided to, but not limited to, the Massachusetts information technology center and the several community colleges pursuant to the provisions of section 42J of chapter 7 of the General Laws, including the costs of personnel; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division of capital asset management and maintenance may incur expenses and the comptroller may certify for

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	payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that said division shall file a quarterly report with the house and senate committees on ways and means detailing all expenditures for each project by MMARS subsidiary and object codes	\$75,000
1102-3231	For the Springfield state office building; provided, that the division of capital asset management and maintenance may expend revenues collected up to a maximum of \$750,000 from rents charged to agencies occupying said building for the maintenance and operation of said building pursuant to the provisions of section 2AA of chapter 29 of the General Laws; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division of capital asset management and maintenance may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system	\$750,000
	State Building Management Fund	100.0%
1102-9999	For the costs associated with the removal of asbestos; provided, that an amount shall be expended for asbestos removal at Boston state hospital, Greenfield Community College and the Fore River shipyard based on the priority needs and estimated costs of asbestos removal at said sites consistent with the amount appropriated herein; provided further, that not less than \$100,000 shall be expended for costs associated with the removal of asbestos at the University of Massachusetts at Amherst; and provided further, that any additional revenues deposited to the asbestos cost recovery fund may be expended, for the purpose of this item, without further appropriation, prior appropriation continued	\$925,000
	Asbestos Cost Recovery Fund	100.0%
	<i>Bureau of State Office Buildings.</i>	
1102-3301	For the operation of the bureau of state office buildings and	

for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings; provided, that said bureau shall retain full jurisdiction over all contracts, purchases and payments for any and all materials and services required in the operation of said bureau; provided further, that not less than \$200,000 shall be made available for cleaning and maintenance services of the Lindemann Mental Health Center; provided further, that not less than \$50,000 shall be made available for the restoration and preservation of the historic flags displayed in the state house hall of flags; provided further, that not less than \$90,000 shall be made available for the Massachusetts art commission; and provided further, that notwithstanding the provisions of section 19 of chapter 6 of the General Laws, the chairman of said commission shall serve as executive director of said project and shall be compensated therefor from said \$90,000 \$9,210,834

1102-3302 For the purposes of utility costs and associated contracts for the properties managed by the bureau of state office buildings.... \$7,349,125

Office on Disability.

1107-2400 For the office on disability; provided that not less than \$50,000 of the amount appropriated herein shall be expended for arts programs for people with disabilities, including, but not limited to, festivals, training and education through the arts \$665,876

Disabled Persons Protection Commission.

1107-2501 For the disabled persons protection commission; provided, that the commission shall facilitate compliance by the department of mental health and the department of mental retardation with uniform investigative standards, so-called; provided further, that the commission shall keep an account of and report to the house and senate committees on ways and means not later than the last day of each quarter on the number of claims of abuse by caretakers made by employees or contracted service employees of the departments of mental retardation and mental health and the Massachusetts rehabilitation commission; and provided further, that said report shall include the following: (i)

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number of claims that are found to be substantiated; (ii) number of claims that are unsubstantiated; and (iii) number of claims that are found to be falsely reported as a result of intentional and malicious action \$1,602,647

Civil Service Commission.

1108-1011 For the civil service commission \$508,882

Local Aid Fund 65.0%

General Fund 35.0%

Group Insurance Commission.

1108-5100 For the administration of the group insurance commission; provided, that said commission shall generate the maximum amounts allowable under the federal Consolidated Omnibus Budget Reconciliation Act, as amended, and from reimbursements allowed by sections 8, 10B, 10C and 12 of chapter 32A of the General Laws \$2,177,507

1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2000; provided, that not more than \$300,000 shall be obligated for the evaluation and audit of said premium and plan costs; provided further, that not more than \$300,000 shall be obligated for the evaluation and negotiation of premium rates which may include rates for health benefit plans, prescription drug plans and long-term disability plans; provided further, that not more than \$150,000 shall be obligated for claims utilization analysis; provided further, that the secretary of administration and finance shall charge the division of employment and training and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the general fund; provided further, that prior year costs incurred by the state indemnity health insurance plan and the preferred provider organization shall be funded from

this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance is authorized and directed to charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for said charges shall be credited to the general fund; provided further, that, notwithstanding the provisions of section 26 of chapter 29 of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts prior to July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding the provisions of chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired prior to July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of said premiums and rates; provided further, that notwithstanding the provisions of chapter 150E of the General Laws, employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994;

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	provided further, that active employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall pay 15 per cent of such premiums and rates; and provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year	\$569,877,508
1108-5350	For elderly governmental retired employee premium payments. . . .	\$1,501,900
1108-5400	For the costs of the retired municipal teachers' premiums and the audit of said premiums	\$27,331,179
	Local Aid Fund	100.0%
1108-5500	For the costs, notwithstanding the provisions of chapter 32A of the General Laws to the contrary, of dental and vision benefits for those active employees of the commonwealth, not including employees of authorities and any other political subdivision, who are not otherwise provided such benefits pursuant to a separate appropriation or the provisions of a contract or collective bargaining agreement; provided, that said employees shall pay 15 per cent of the monthly premium established by the commission for such benefits; and provided further, that beginning January 1, 2000, the commission shall expend all necessary funds from this item to ensure that all dental and vision benefits shall be at least at the level in effect on June 30, 1998	\$4,788,411
	<i>Division of Administrative Law Appeals.</i>	
1110-1000	For the operation of the division of administrative law appeals established by section 4H of chapter 7 of the General Laws.	\$760,222
	<i>George Fingold Library</i>	
1120-4005	For the administration of the library; provided, that said library shall maintain regular hours of operation from 9:00 a.m. to 5:00 p.m.; provided further, that said library shall develop an internship program with any Massachusetts public or private college or university that offers, as of the date of passage of this act, advanced studies in library and information science; and provided further, that said library shall continue the implementation program necessary in order to secure access to the wide area network	\$1,328,976

Massachusetts Commission Against Discrimination.

1150-5100 For the office of the commission, including the processing and resolution of cases pending before the commission that were filed on or before July 1, 1993 and cases pending before said commission in which the Massachusetts Bay Transportation Authority is named as a respondent; provided, that no less than \$750,000 shall be expended in fiscal year 2000 for additional investigators, attorneys, conciliators and hearing officers for the exclusive purpose of reducing the backlog of cases pending before said commission; provided, further, that said commission shall comply with the requirements of section 325 of this act; provided further, that on or before December 1, 1999 and May 1, 2000 said commission shall submit to the senate and house committees on ways and means an update report on the total number of such currently pending cases and the total number of such cases in the investigation, conciliation, post-probable cause and pre-public hearing and post-hearing stages; provided further, that said commission shall identify in such reports the number of cases in which the commission has determined there is probable cause to believe that a violation of the provisions of chapter 151B of the General Laws has been committed in a case in which said authority is named as a respondent; provided further, that said commission shall report to the house and senate committees on ways and means on or before January 4, 2000 the number of cases pending before the commission in which a state agency or state authority is named as a respondent and the number of such cases where probable cause to believe that a violation of the provisions of said chapter 151B has been committed; provided further, that an amount not to exceed \$15,000 may be expended to fund Edward Brooke scholarships whereby the recipients of said scholarships assist said commission in resolving said cases filed on or before July 1, 1993; provided further, that the commission may expend \$100,000 for the sole purpose of supporting the civil rights enforcement efforts of cities and towns through their local human rights commissions; provided further, that such efforts shall include, but not be limited to, the following

cities and towns: Amherst, Barnstable, Boston, Cambridge, Chelsea, Lawrence, Malden, Melrose, New Bedford, Northampton, Pittsfield, Somerville, Springfield and Worcester; provided further, that funds made available herein shall be in addition to funds available in item 1150-5104; provided further, that all positions except clerical, shall be exempt from the provisions of chapter 31 of the General Laws; and provided further, that said commission shall pursue the highest allowable rate of federal reimbursement \$2,897,941

1150-5104 The Massachusetts commission against discrimination may expend revenues collected through federal reimbursements received for the purposes of the United States Department of Housing and Urban Development fair housing type 1 program and the equal opportunity resolution contract program during fiscal year 2000 and federal reimbursements received for these and other programs in prior years; provided, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, said commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding the provisions of section 1 or any other general or special law to the contrary, federal reimbursements received in excess of \$1,813,344 shall be credited to the general fund; provided further, that notwithstanding the provisions of any general or special law to the contrary, funds may be expended from this item for the purposes of case investigations, conciliation and resolution efforts of local agencies as provided by contract through the commission; provided further, that such efforts shall include, but not be limited to, the following cities and towns: Worcester, New Bedford, Somerville, Chelsea, Cambridge and Barnstable; provided further, that notwithstanding the provisions of any general or special law to the contrary, the commission shall deposit into the general fund any federal reimbursements received for these purposes in fiscal year 2000; provided further, that the commission shall

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report to the house and senate committees on ways and means, not later than the last day of each quarter, the following: federal reimbursements received in each such quarter, anticipated reimbursements to be received in the remaining quarters of the fiscal year and reimbursements projected to be collected in the subsequent fiscal year for such purposes; provided further, that such report shall detail actual and anticipated reimbursements by date of receipt, case type, reimbursement per case and cases resolved; and provided further, that the costs of personnel may be charged to this item \$1,813,344

- 1150-5116 The Massachusetts commission against discrimination may expend an amount not to exceed \$27,500 from revenues collected from fees charged for the training and certification of diversity trainers for the operation of the discrimination prevention certification program \$27,500

Department of Revenue.

- 1201-0100 For the operation of the department of revenue, including tax collection administration, audit of certain foreign corporations and the division of local services; provided, that the department may allocate an amount not to exceed \$250,000 to the office of the attorney general for the purpose of the tax prosecution unit; provided further, that the department may charge the expenses for computer services, including the cost of personnel and other support costs provided to the child support enforcement unit, from this item to item 1201-0160, consistent with the costs attributable to said unit; provided further, that the department shall maintain regional offices in the cities of Springfield, Pittsfield, and Worcester; and provided further, that the department shall provide to the general court access to the municipal data bank \$121,751,975
- General Fund 60.0%
- Local Aid Fund 35.0%
- Highway Fund 5.0%
- 1201-0160 For the child support enforcement unit; provided, that the department may allocate funds appropriated herein to the department of state police, the district courts, the probate and family courts, the district attorneys and other state

agencies for the performance of certain child support enforcement activities, and that such agencies are hereby authorized to expend said funds for the purposes of this item; provided further, that all such allocations shall be reported quarterly to the house and senate committees on ways and means upon the allocation of said funds; provided further, that the federal receipts associated with the child support computer network shall be drawn down at the highest possible rate of reimbursement and deposited into a revolving account to be expended for said network; provided further, that federal receipts associated with child support enforcement grants shall be deposited into a revolving account to be drawn down at the highest possible rate of reimbursement and to be expended for the grant authority, so-called; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means, detailing the balance, year-to-date and projected receipts and year-to-date and projected expenditures, by subsidiary, of the child support trust fund established pursuant to section 9 of chapter 119A of the General Laws; and provided further, that the department shall file a performance report with the house and senate committees on ways and means on or before January 15, 2000 detailing current staffing levels by function and performance indicators, including, but not limited to, TAFDC and non-TAFDC caseloads, collection levels, court cases, paternities established, court orders established, average employee workload, federal reimbursements, projections of said indicators for the remainder of the fiscal year and any deviations of current performance from previous projections \$47,022,479

1201-0300 For the operation of the bureau of special investigations; provided, that the director of said bureau shall report to the house and senate committees on ways and means no later than December 15, 1999 on the monthly investigator caseload, without disclosing names or other personal identifiers, for fiscal years 1994 through 1999; provided further, that said report shall include the monthly average of the amounts recovered by the commonwealth through successful prosecution, settlement or other disposition of

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	such cases investigated for fiscal years 1994 through 1999; provided further, that said report shall separately delineate said caseload data for the front-end detection program so-called; and provided further, that said report shall state the most recent activity date for each open case assigned to each investigator as of the first business day of each fiscal quarter of fiscal years 1999 and 2000 for which such information is available	\$5,266,201
1231-1000	For the Commonwealth Sewer Rate Relief Fund established by section 22Z of chapter 29 of the General Laws	\$53,914,000
	Local Aid Fund	93.34%
	Commonwealth Cost Relief Fund	6.66%
1231-1020	For a program of loans, loan purchases or loan guarantees or interest subsidies to assist homeowners, homeowner associations or condominium associations in complying with revised state environmental code for subsurface disposal of sanitary waste, Title V, so called; provided, that said program shall be in addition to the loan program established pursuant to item 2200-9959 in section 2 of chapter 85 of the acts of 1994; provided further, that the department may contract with third parties including, but not limited to, commonwealth-based financial institutions to manage said program; provided further, that the department and said third parties shall take all steps necessary to minimize said program's administrative costs; provided further, that said loans, loan purchases or loan guarantees shall be available on the basis of a sliding scale that relates a homeowner's income and assets to the cost of Title V compliance; provided further, that interest subsidies shall be means-tested and may be for zero-interest loans pursuant to income standards developed by the department; and provided further, that the department of revenue shall consult with the department of environmental protection in developing rules, regulations and guidelines for said programs, prior appropriation continued.	
1232-0100	For underground storage tank reimbursements to parties that have remediated spills of petroleum products pursuant to chapter 21J of the General Laws	\$19,200,000
	Underground Storage Tank	
	Petroleum Product Cleanup Fund	100.0%

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1232-0200	For the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board pursuant to chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of chapter 21J of the General Laws; provided, that notwithstanding the provisions of section 4 of said chapter 21J or any other general or special law to the contrary, appropriations made herein shall be sufficient to cover said administrative expenses of the underground storage tank program; provided further, that said board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that said report shall detail how many tanks are out of compliance with the provisions of said chapter 21J; and provided further, that said report shall be submitted not later than March 16, 2000	\$1,602,151
	Underground Storage Tank Petroleum Product Cleanup Fund	100.0%
1232-0300	For underground storage tank municipal grants to remove and replace said tanks pursuant to section 2 of chapter 21J of the General Laws and section 37A of chapter 148 of the General Laws	\$2,000,000
	Underground Storage Tank Petroleum Product Cleanup Fund	100.0%
1233-2000	For reimbursing cities and towns for taxes abated pursuant to clauses Seventeenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second E and Thirty-seventh of section 5 of chapter 59 of the General Laws	\$8,250,000
	Local Aid Fund	100.0%
1233-2010	For reimbursing cities and towns for tax abatements granted to certain home owners over the age of 65 pursuant to clause fifty-second of section 5 of chapter 59 of the General Laws; provided, that funds shall be expended from this item for a low income sewer and water assistance	

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program pursuant to the provisions of section 24B of chapter 23B of the General Laws, prior appropriation continued.

1233-2310	For reimbursing cities and towns for taxes abated pursuant to the forty-first, forty-first B and forty-first C clauses of section 5 of chapter 59 of the General Laws; provided, that the commonwealth shall reimburse each city or town that accepts the provisions of said clause forty-first B or forty-first C for additional costs incurred in determining eligibility of applicants under said clauses in an amount not to exceed \$2 per exemption granted	\$12,400,000
	Local Aid Fund	100.0%

Appellate Tax Board.

1310-1000	For the operation of the appellate tax board; provided, that the board shall schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, and Worcester	\$1,889,585
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Department of Veterans' Services.

0610-0093	For the purposes of allowing the department of veterans' services to make bonus payments to Persian Gulf war veterans; provided that all such payments shall be consistent with the purposes of the trust instrument for "A Hero's Welcome Trust Fund"	\$18,000
	A Hero's Welcome Trust Fund	100.0%

1410-0010	For the administration and support of the office of veterans' services, including the administration of the veteran's cemeteries in the towns of Agawam and Winchendon; provided, that not less than \$147,320 shall be obligated for maintenance, operations and administration of the State Veteran's Cemeteries in Agawam and Winchendon; provided, that not less than \$10,000 shall be obligated for a contract with the Korean war veterans committee of Massachusetts for the purpose of maintaining the Massachusetts Korean war memorial located in the shipyard park of the Charlestown navy yard; provided further, that \$40,000 shall be obligated for the Glory 54th Brigade; provided further, that not less than \$25,000 shall be obligated to the Korean War Veterans Association Cape	
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and Islands Chapter for the Korean war memorial; provided further, that said office shall fund a housing specialist from this item; and provided further, that not less than \$15,000 shall be expended to assist the town of Holliston in hosting the Moving Wall Vietnam Memorial during the summer of 1999 \$2,253,088

1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that said centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; provided further, that \$269,500 shall be obligated for a contract with the Veterans Benefits Clearinghouse in the Roxbury section of the city of Boston; provided further, that \$82,500 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill; provided further, that \$104,610 shall be obligated for a contract with the North Shore Veterans Counseling Center in the city of Beverly; provided further, that \$77,000 shall be obligated for a contract with the Veterans Association of Bristol county in the city of Fall River; provided further, that \$110,000 shall be obligated for a contract with NamVets of the Cape and Islands in the town of Hyannis; provided further, that \$60,500 shall be obligated for a contract with the Outreach Center, Inc., in the city of Pittsfield; provided further, that \$100,000 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner; provided further, that \$95,000 shall be obligated for a contract with the Metrowest/Metrosouth Outreach Center in the town of Framingham; and provided further, that \$66,000 shall be obligated for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc., in the city of Springfield \$998,752

Local Aid Fund 100.0%

1410-0015 For the women veterans' outreach program \$30,000

1410-0100 For the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans' pensions who are currently receiving home care and home health services \$126,183

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1410-0250	For homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans; provided, that not less than \$267,750 shall be obligated for a contract with the Central Massachusetts Shelter for Homeless Veterans located in the city of Worcester; provided further, that not less than \$351,550 shall be obligated for a contract with the Southeastern Massachusetts Veterans Housing Program, Inc. located in the city of New Bedford; provided further, that not less than \$207,900 shall be obligated for a contract with the United Veterans of America shelter located in the town of Leeds; provided further, that \$31,500 shall be obligated for a contract with the Veterans Benefit Clearinghouse located in Dorchester; provided further, that not less than \$50,000 shall be obligated for a contract with Unity House located in the city of Gardner; provided further, that not less than \$31,500 shall be obligated for a contract with the Transition House located in the city of Springfield; provided further, that no less than \$57,750 shall be expended for a contract with the Springfield Bilingual Veterans Outreach Center for the operation and maintenance of a Transitional Housing Unit at the YMCA of Springfield; provided further, that not less than \$49,875 shall be obligated for a contract with the Mansion located in the city of Haverhill; provided further, that not less than \$31,500 shall be obligated for a contract with the Homestead located in the town of Hyannis; provided further, that not less than \$120,000 shall be obligated for a contract with the Veterans Hospice Homestead in the city of Leominster; provided further that no less than \$25,000 shall be obligated for a contract with the Turner House located in the town of Williamstown; provided further, that \$81,500 shall be obligated for a contract with the Veterans Benefit Clearinghouse located in Roxbury; and provided further, that not less than \$100,000 shall be obligated for a contract with Habitat P. L. U. S. in the city of Lynn	\$1,405,825
1410-0251	For homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans at the New England Shelter for Homeless Veterans located in the city of Boston	\$2,250,000

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1410-0300	For the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that such payments shall be made pursuant to section 6B of chapter 115 of the General Laws; provided further, that the department shall take reasonable steps to terminate payments upon the death of a recipient; provided further, that the commissioner of veteran's services shall file with the house and senate committees on ways and means a report detailing the number of applications received for annuities offered under this program at the end of each fiscal quarter	\$7,973,500
1410-0400	For reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans; provided, that said reimbursements shall be made pursuant to section 6 of chapter 115 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amounts of veterans' benefits paid by cities and towns to residents of a soldiers' home shall be paid by the commonwealth to the several cities and towns; provided further, that pursuant to section 9 of said chapter 115, the department shall reimburse cities and towns for the cost of United States flags placed on the graves of veterans on memorial day; and provided further, that the commissioner shall establish a training program for veterans' agents pursuant to section 315 of this act	\$7,706,310
	Local Aid Fund	100.0%
1410-8998	For the construction of a statewide Vietnam Veterans memorial at Green Hill park in the city of Worcester	\$900,000
<i>Reserves.</i>		
1599-0002	For contributions toward the maintenance of the old provincial state house	\$75,000
1599-0013	For a reserve for the cities' and towns' unemployment health insurance contributions due under section 14G of chapter 151A of the General Laws; provided, that the deputy director of the division of employment and training shall provide to the secretary of administration and finance and the house and senate committees on ways and means quarterly estimates of the contributions due; and provided	

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	further, that upon approval of the secretary of administration and finance, the treasurer shall transfer funds from this account to the Medical Security Trust Fund established by subsection (k) of said section 14G of said chapter 151A	\$3,000,000
	Local Aid Fund	100.0%
1599-0019	For a reserve for the costs of audits performed by the department of education pursuant to item 7061-0019 and section 259 of this act; provided, that the secretary of administration and finance shall transfer funds appropriated herein to item 7061-0019 for the costs of said audits in excess of amounts appropriated in said item; and provided further, that not less than 30 days prior to the transfer of funds from this item, the secretary of administration and finance shall certify in writing to the house and senate committees on ways and means that all guidelines, rules and regulations necessary for the full implementation of said audits program have been promulgated	\$503,865
1599-0033	For a reserve to promote departmental revenue optimization projects authorized by and subject to the provisions of section 230 of this act	\$3,000,000
	Revenue Maximization Fund	100.0%
1599-0035	For certain debt service contract assistance to the Massachusetts Convention Center Authority in accordance with the provisions of section 39I of chapter 190 of the acts of 1982; provided, that said assistance shall be expended notwithstanding the provisions of section 35J of chapter 10 of the General Laws	\$24,655,792
	General Fund	95.94%
	Massachusetts Tourism Fund	4.06%
1599-0036	For the expenses of the Massachusetts Convention Center Authority	\$13,098,000
	Massachusetts Tourism Fund	100.0%
1599-0093	For contract assistance to the water pollution abatement trust for debt service obligations of the trust, in accordance with the provisions of sections 6 and 6A of chapter 29C of the General Laws	\$38,917,367
	Local Aid Fund	81.85%
	Commonwealth Cost Relief Fund	18.15%

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- 1599-1976 For a reserve to adjust early care and education rates of reimbursement paid by the office of child care services in regions I and V to the next highest regional rate of reimbursement as set by said office; provided, that the comptroller may allocate funds herein to items 4130-3200, 4130-3300 and 4130-3600 of section 2; provided further, that not more than 30 days after said transfer, said office shall file a report with the house and senate committees on ways and means detailing amounts allocated to said items; provided further, that expenditures from this item shall not annualize to more than the amount appropriated herein in fiscal year 2001; and provided further, that no funds from this item shall be expended for any purpose not specifically referenced herein \$5,200,000
- Child Care Fund 100.0%
- 1599-2501 For a reserve for the sex offender registry to fund expanded obligations of said registry which are directly related to legislative or judicial mandates; provided, that the secretary of administration and finance is hereby authorized to transfer funds appropriated herein to item 8000-0125; provided further, that not less than 60 days prior to any such transfer, said secretary shall file a spending plan with the house and senate committees on ways and means detailing the nature and reasons for the expenditures of the funds so transferred; provided further, that said expenditures shall be scheduled by subsidiary; and provided further, that said spending plan shall project the total cost of said registry for fiscal year 2000 and fiscal year 2001 \$3,000,000
- Local Aid Fund 100.0%
- 1599-3234 For the commonwealth's south Essex sewerage district debt service assessment \$213,326
- 1599-3384 For a reserve for the payment of certain court judgements, settlements and legal fees, in accordance with regulations promulgated by the comptroller, which were ordered to be paid in fiscal year 2000 or a prior fiscal year; provided, that the comptroller shall report quarterly to the house and senate committees on ways and means on the amounts expended from this item; and provided further, that the

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	comptroller may transfer up to \$2,000,000 from this item to the liability management and reduction fund pursuant to section 2TT of chapter 29 of the General Laws	\$6,500,000
1599-3837	For the payment to the water pollution abatement trust to fund financial assistance to municipalities and other eligible borrowers to meet debt service obligations incurred by said municipalities and other eligible borrowers after January 1, 1992, to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, and which have been completed, as determined by said department, on or prior to the promulgation date of said department's regulations related to the implementation of the federal Safe Drinking Water Act, so-called	\$8,000,000
	Local Aid Fund	100.0%
1599-3838	For a reserve for payment to the water pollution abatement trust to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, after the promulgation date of said department's regulations related to the implementation of the federal Safe Drinking Water Act, so-called	\$1,863,045
	Local Aid Fund	100.0%
1599-3856	For rent and associated costs at the Massachusetts information technology center in Chelsea	\$7,115,000
	State Building Management Fund	100.0%
1599-6060	For a reserve for costs associated with the establishment and operation of long-term care units, so-called, at the Massachusetts soldiers' home in Chelsea and the Holyoke soldiers' home; provided, that one 15 bed unit may be established at each soldiers' home; provided further, that no funds shall be allocated to a soldiers' home until such soldiers' home verifies, in writing, to the secretary of health and human services, that all long term care beds in the units currently operated by each such soldiers' home are adequately staffed and achieving an average daily occupancy rate of 90 per cent; provided further, that the costs associated with the operation of such units, including	

the costs of overnight and on-call shifts, shall not annualize to more than \$1,205,000 in fiscal year 2001; and provided further, that to promote the delivery of high quality patient care, senior supervisory and clinical staff in said currently operated units as of the effective date of this act may be used to staff newly established long-term care units \$1,497,316

1599-6898 For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$30,000 in annual compensation who are employed by private human service providers that deliver human and social services under contract with departments within the executive office of health and human services and the executive office of elder affairs; provided, the secretary of administration and finance is hereby authorized to allocate the funds appropriated herein to said departments in order to implement said initiative; provided further, that the operational services division shall condition the expenditure of such reserve upon assurances that such funds shall be used solely for the purposes of such adjustments to wages, compensation or salary; provided further, that said division shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving such adjustment in fiscal year 2000 and the average percentage adjustment funded by this reserve; provided further, that said report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive such adjustments; provided further, that such adjustments shall be not less than a full 3 per cent for those workers earning less than \$20,000 in annual compensation and shall not be reduced by the expenses of such associated employee-related costs and withholding; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for child care services or programs for which payment rates are negotiated and paid as class rates, so-called, as established by the division of health care finance and policy; provided further, that no funds shall be

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allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D of this act; provided further, that the total fiscal year 2000 cost of the salary adjustments and any other associated employee costs authorized thereunder shall not exceed \$28,000,000; and provided further, that the annualized cost of said adjustments in fiscal year 2001 shall not exceed the amount appropriated herein; \$28,000,000

1599-7015 For a reserve to meet the costs in fiscal year 2000 of salary increases, benefit adjustments and other employee economic benefits authorized for those employees of the supreme judicial court, the appeals court and the trial court that are covered by the collective bargaining agreements between the trial court of the commonwealth and the Service Employees International Union, Local 254; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2000 such amounts as may be necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that not more than ten probation officers-in-charge, to be located at the community correction day reporting centers, shall be funded from this item in fiscal year 2000; and provided further, that notwithstanding any provisions of any general or special law to the contrary, the comptroller shall charge the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers \$13,500,000

Collective Bargaining Reserve Fund 100.0%

1599-9150 For a reserve to implement the MBTA forward funding initiative, so-called; provided, that said reserve shall be available for the initial debt service payment on bonds issued to defease outstanding notes of the Massachusetts bay transportation authority and of the commonwealth incurred on behalf of said authority, for the amortization of other debt or deficiencies incurred by or on behalf of said

authority, and for planning and preliminary implementation costs necessary to establish said authority as a self-financing entity not later than July 1, 2000; provided further, that the treasurer and receiver general of the commonwealth is hereby authorized and directed to defease such notes in fiscal year 2000 pursuant to the terms and conditions established in section 290 of this act or any subsequent statutory authority established for such purposes; provided further, that the secretary of administration and finance shall prepare an analysis of said authority's finances not later than March 1, 2000 that identifies all assets and liabilities of said authority; provided further, that said analysis shall include an evaluation of all outstanding debt backed by the full faith and credit of the commonwealth that require ongoing appropriations, if any; provided further, that said analysis shall identify any funding requirements of said authority requiring an appropriation or expenditure prior to said July 1 to assure the ability of said authority to operate as a self-financing authority; and provided further, that the secretary of transportation and construction and the executive director of said authority shall assist in the preparation of said analysis \$14,000,000

Highway Fund 100.0%

1599-9952 For the purpose of contracting independent technical advisors to assist communities in evaluating and contributing to the central artery/third harbor tunnel project, including the Charles river crossing; provided, that the executive office for administration and finance may issue a request for proposals for such technical advisor, said contract to be drafted in conjunction with designated representatives from the impacted neighborhoods; provided further, that not less than \$100,000 shall be expended from this item for a technical advisor to the North End/Waterfront area of the city of Boston; provided further, that not less than \$40,000 shall be expended for a technical advisor for the East Boston section of the city of Boston; provided further, that after such a contract for a technical advisor has been awarded, such advisor shall have access to data relative to design and mitigation; and provided further, that such

independent technical advisor shall be accountable to and work directly with residents, designated community representatives and organizations of the aforementioned communities in assessing impacts and recommending alternative design modifications to the central artery/third harbor tunnel, prior appropriation continued \$140,000
Highway Fund 100.0%

Division of Human Resources.

1750-0100 For the operation of the human resources division; provided, that the division shall be responsible for the administration of examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candidates to state and municipal appointing authorities, technical assistance in selection and appointment to state and municipal appointing authorities; provided further, that notwithstanding the provisions of paragraph (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary, the commissioner of administration shall charge a fee of \$35 to be collected from each applicant for a civil service examination; provided further, that no funds shall be obligated for purposes of executive search programs except any executive search program which may be conducted pursuant to Executive Order 227 adopted on February 25, 1983; provided further, that the division shall administer a program of state employee unemployment management including, but not limited to, agency training and assistance; provided further, that the division shall administer the statewide classification system including, but not limited to, maintaining a classification pay plan for civil service titles within the commonwealth in accordance with generally accepted compensation standards and reviewing appeals for reclassification; provided further, that upon certification of any open competitive list for a public safety position in a city or town, the personnel administrator shall cause to be published in a newspaper of general circulation in a city or town, public notice that such eligible list has been certified along with the notice of the last date to respond to the notice of circulation; provided further, that the secretary of administration and finance shall file with

	the house and senate committees on ways and means the amounts of any and all economic benefits necessary to fund any incremental cost items contained in any and all collective bargaining agreements with the various classified public employees' unions; and provided further, that the nature and scope of economic proposals contained in said agreements shall include all fixed percentage or dollar based salary adjustments, non-base payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs	\$4,940,539
1750-0102	The human resources division may expend revenues up to a maximum of \$1,900,000 from fees charged to applicants for civil service and non-civil service examinations and fees charged for the costs of goods and services rendered in administering training programs; provided, that said division shall collect from participating non-state agencies, political subdivisions, and the general public fees sufficient to cover all costs of said programs, including, but not limited, a fee of \$35 to be collected from each applicant for a civil service examination or non-civil examination, notwithstanding the provisions of clause (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system	\$1,900,000
1750-0111	For the planning and implementation of a civil service continuous testing program; provided, that the division shall file quarterly reports with the house and senate committees on ways and means detailing the number of tests administered and the amount of revenue collected, through said program	\$369,919
	Local Aid Fund	65.0%
	General Fund	35.0%

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- 1750-0115 For the operation of the bypass appeals process program, so-called; provided, that said division shall file quarterly reports with the house and senate committees on ways and means, including but not limited to, the number of appeals requested through said program, the number of appeals granted through said program and the number of appeals resulting in the hiring of the appellant \$195,602
- 1750-0116 The human resources division is hereby authorized to expend an amount not to exceed \$165,750 for the operation of the continuous testing program, from revenue collected from fees charged to participants in said program \$165,750
- 1750-0200 For implementation of the medical and physical fitness standards program established pursuant to sections 61A and 61B of chapter 31 and chapter 32 of the General Laws; provided, that the personnel administrator shall charge a fee of not less than \$50 to be collected from each applicant who participates in the physical ability test; provided further, that the human resources division shall submit a semi-annual report to the house and senate committees on ways and means detailing all expenditures on said program, including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other related costs of said program; and provided further, that said division shall report to the house and senate committees on ways and means by February 1, 2000 on the projected costs of said program for fiscal year 2000 \$1,337,195
- 1750-0300 For the commonwealth's contributions in fiscal year 2000 to health and welfare funds established pursuant to certain collective bargaining agreements; provided, that such contributions shall be calculated as provided in the applicable collective bargaining agreement and shall be paid to such health and welfare trust funds on a monthly basis or on such other basis as the applicable collective bargaining agreement provides \$16,421,031
- 1750-3898 For the purposes of a statewide training and career ladder program pursuant to subsection A of section 8 of article XIX of the collective bargaining agreement between the commonwealth and the Massachusetts corrective officers federated union (unit 4) \$151,000

Division of Operational Services.

- 1775-0100 For the operation of the operational services division; provided, that the commissioner of administration shall ensure that adequate resources are provided from this item for the maintenance of the government center medical unit at the same level as in fiscal year 1999 \$3,366,233
- 1775-0110 The operational services division is hereby authorized to expend for the costs associated with the Comm-PASS computer system, so-called, an amount not to exceed \$250,001 from revenues collected from the use of Comm-PASS by government entities other than state agencies and the sale of advertising space on Comm-PASS \$250,001
- 1775-0600 The operational services division is hereby authorized to expend revenues collected up to a maximum of \$130,000 from the sale of state surplus personal property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel \$130,000
- 1775-0700 The operational services division may expend revenues collected up to a maximum of \$130,000 in addition to the amount authorized in item 1775-1000 of section 2B, for printing, photocopying, related graphic art or design work and other reprographic goods and services provided to the general public, including all necessary incidental expenses. \$130,000
- 1775-0900 The operational services division may expend revenues in an amount not to exceed \$100,000, collected pursuant to chapter 449 of the acts of 1984 and section 4L of chapter 7 of the General Laws, including the costs of personnel, from the sale of federal surplus property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of federal surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and

related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$100,000

1775-1100 The operational services division may expend revenues in an amount not to exceed \$1,194,866 collected from the disposal of surplus motor vehicles including, but not limited to, state police vehicles from vehicle accident and damage claims and from manufacturer warranties, rebates and settlements, for the purchase of motor vehicles; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel \$1,194,866

Information Technology Division.

1790-0100 For the operation of the information technology division; provided, that notwithstanding the provisions of any general or special law to the contrary, said division shall approve any schedule of expenditures proposed by any agency under the control of the governor for any software development project or system purchase for which the total budgeted cost, including the costs of hardware purchased in conjunction with said project or system, exceeds \$200,000; provided further, that the director of said division shall adopt guidelines enforcing said prior approval requirement not later than September 1, 1999; provided further, that said division shall continue a chargeback system for its bureau of computer services which complies with the requirements of section 2B of this act; provided further, that said division shall continue conducting audits and surveys to identify and realize savings in the acquisition and maintenance of communications lines; provided further, that the commissioner shall file an annual status report with the house and senate committees on ways and means by May 15, 2000 with actual and projected savings and

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	expenditures for said audits in the fiscal year ending June 30, 2000; and provided further, that the state comptroller shall establish accounts and procedures as he deems appropriate and necessary to assist in accomplishing the purposes of this item	\$9,609,943
1790-0107	For the operation of the commonwealth's human relations and compensation management system, so-called	\$6,986,554
1790-0300	The information technology division may expend up to a maximum of \$595,767 in revenues collected from the provision of computer resources and services to the general public for the costs of the bureau of computer services, including the purchase, lease or rental of telecommunications lines, services and equipment	\$595,767
1790-0600	For the operation of the commonwealth's data warehouse	\$955,818

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

2000-0100	For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control program, and a central data processing center for the secretariat; provided, that not less than \$180,000 shall be expended for conservation districts; provided further, that not less than \$250,000 shall be expended for volunteer monitoring grants; provided further, that not less than \$200,000 shall be expended on a program of coastal resources monitoring and restoration focusing on all coastal regions of the commonwealth; provided further, that said program shall include technical assistance through the Massachusetts bays program, so-called; provided further, that the secretary of the executive office of environmental affairs is hereby authorized to enter into interagency agreements with any line agency within said secretariat whereby the line agency may render data processing services to said secretary; provided further, that the comptroller is hereby authorized to allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that the executive office of	
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environmental affairs is hereby authorized and directed to conduct a study of the establishment of a grant program providing to municipalities monies for the design, permitting, construction, and renovation of park and recreation facilities. Said study shall include an analysis of the environmental impact of preserving open space, the unmet need for the construction and renovation of park facilities within the commonwealth, and the cost of establishing and maintaining such a grant program. The executive office of environmental affairs shall file the results of said study, along with any recommendations for legislation, with the clerk of the house of representatives, the clerk of the senate, the house and senate committees on state administration, and the governor not later than December 31, 1999; provided further, that not less than \$50,000 be expended for the formation of a technical advisory group to conduct a coastal monitoring study in Salem Sound to investigate declining fish and lobster populations in Salem Sound; provided further, that not less than \$100,000 shall be expended for a coastal shore water testing program administered by the coalition for Buzzards Bay; provided further, that \$125,000 shall be expended on the implementation of the second phase of Vision 2020; provided further, that not less than \$1,000,000 nor more than \$1,945,000 shall be expended for the implementation of the Watershed initiative; and provided further, that not more than \$50,000 shall be expended on a study of the closure of the Northeast Solid Waste Committee facility due to environmental concerns \$4,592,093

General Fund 60.0%

Local Aid Fund 40.0%

2000-9900 For the office of geographic and environmental information established pursuant to section 4B of chapter 21A of the General Laws \$525,388

2001-1001 The secretary of environmental affairs may expend an amount not to exceed \$200,000 accrued from the fees charged to authorities and units of government within the commonwealth, other than state agencies for the distribution of digital cartographic and other data, and the review of

environmental notification forms pursuant to the
Massachusetts environmental policy act, for the purposes
of providing said services\$200,000

2010-0100 For recycling and related purposes consistent with the
recycling plan of the solid waste master plan which
includes municipal equipment grants, a municipal
recycling incentive program, recycled product
procurement, guaranteed annual tonnage assistance,
recycling transfer stations, source reduction and technical
assistance, consumer education and participation
campaign, municipal household hazardous waste program,
the recycling loan program, research and development,
recycling market development and recycling business
development and the operation of the Springfield materials
recycling facility; provided, that not less than \$3,000,000
shall be expended on municipal recycling incentive
programs; provided further, that a grant of not less than
\$125,000 shall be made to the city of Boston for the
purpose of awarding grants to one or more existing
innovative recycling programs to increase recycling rates
by enhancing the collection and processing of plastic
wastes generated by commercial, industrial and
institutional entities; provided that not less than \$150,000
shall be expended for a public education campaign to
encourage participation in existing curbside pick-up
recycling programs for the city of Boston; provided further,
that the department of environmental protection may
expend an amount not to exceed \$1,000,000 for a program
to preserve the continuing ability of redemption centers to
maintain operations in pursuit of the commonwealth's
recycling goals consistent with the provisions of section
323 of chapter 94 of the General Laws; provided further,
that such program shall take into consideration the volume
of redeemables per redemption center, the length of time
such center has been in operation, the number of
returnables redeemed quarterly by such centers, the
submission by such centers of documentation of their
redeemed returnables to said department and the costs of
transportation, packaging, storage and labor; provided
further, that said department shall make recommendations

to the general court concerning the foregoing costs by January 3, 1999; provided further, that not less than \$500,000 of the amount appropriated herein shall be expended for a recycling industry reimbursement program pursuant to section 241A of chapter 43 of the acts of 1997; provided further, that \$58,000 shall be expended for the universal waste recycling project, so-called; provided further, that not less than \$877,000 shall be expended for business assistance and research and development, including the strategic envirotechnology partnership, so-called, at public, private and quasi-public educational and research institutions; provided further, that the secretary of environmental affairs shall enter into all interagency service agreements necessary to effectuate the provisions of this item not later than August 31, 1999; provided further, that a grant of \$40,000 shall be made to the town of Plainville for the purposes of defraying the costs of recycling; provided further, that a grant shall be made to the South Shore Recycling Cooperative, so-called; provided further, that the amounts appropriated herein shall be dedicated to the "Goal 2000 Program", so-called, which shall include, but not be limited to, achieving the commonwealth's goal of recycling 46 per cent of municipal solid waste by January 1, 2000; provided further, that the executive office of environmental affairs shall submit a report to the house and senate committees on ways and means detailing the commonwealth's progress towards said 46 per cent recycling goal by said date; and provided further, that said report shall be due not later than December 19, 1999; provided further, that \$250,000 shall be appropriated to WasteCap of Massachusetts, a non-profit organization, for the operation of recycling cooperatives, including grants to public and non-public entities; provided, however, that the sum of \$250,000 shall be appropriated to E-Call, Inc., a non-profit organization, to assist in the implementation and improvement of recycle-related programs and to improve access to recycling information to citizens in the commonwealth with limited or non-existent recycling programs \$9,500,000
Clean Environment Fund 100.0%

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2020-0100	For toxics use reduction technical assistance and technology, in accordance with the provisions of chapter 21I of the General Laws	\$1,888,046
	Toxics Use Reduction Fund	100.0%
2060-0100	For the purpose of implementing the management plan adopted pursuant to section 12 of chapter 111H of the General Laws and for carrying out the powers and duties conferred to the program by said chapter 111H; provided, that a report shall be submitted to the house and senate committees on ways and means on or before February 1, 2000 detailing expenditures from the prior year; and provided further, that no money shall be expended from this item after February 1, 2000 unless such report has been filed with the house and senate committees on ways and means	\$200,000
	Low Level Radioactive Waste Management Fund	100.0%

Department of Environmental Management.

2100-0005	For the department of environmental management pursuant to the purposes of section 10A1/2 of chapter 91 of the General Laws; provided, however, not less than \$109,000 shall be expended for the repair or replacement of municipal piers in the town of Cohasset; provided further, that \$75,000 shall be expended to the town of Milbury for repairs to the Dorothy pond dam in said town; provided further, that not more than \$200,000 shall be expended for the restoration of Milford pond, also known as Cedar Swamp pond in the town of Milford; provided further, that not more than \$30,000 shall be expended to dredge Pine Tree brook in the town of Milton; provided further, that not more \$100,000 shall be expended for improvements to Sunset lake in the town of Braintree; and provided further, that said department may issue grants to public and non-public entities from this item	\$3,515,626
	Harbors and Inland Waters Maintenance Fund	88.48%
	General Fund	11.52%

2100-1000 For the operation of the department of environmental management; provided, that the department of environmental

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management shall conduct a review of, and prepare a report on, the citizen advisory committees established in connection with facilities and or programs under the purview of the department; provided further, that said report shall include recommendations for standards and uniform procedures for the establishment, operation, administration, and duration of said committees, with a particular focus on outreach efforts that will increase diversity representation within said committees and among the citizens of the commonwealth who visit the facilities and use the programs of said department; and provided further, that said report shall be filed with the secretary of environmental affairs, and the chairmen of the joint committee on natural resources in preliminary form, no later than December 31, 1999 and, in final form, no later than February 28, 2000 \$2,327,077

Local Aid Fund 100.0%

2100-2002 The department is hereby authorized to expend \$80,000 from revenues received from interstate fire fighting services authorized under section 44 of chapter 138 of the acts of 1991; provided, that the department may expend from this item an amount equal to out of pocket expenses, so-called, and the costs of overtime and shift hours worked by employees of the department and the metropolitan district commission from reimbursements collected from the federal government for the costs of interstate fire fighting; provided further, that the department shall allocate such amounts to the metropolitan district commission for such purposes; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, said department and commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$80,000

2100-2030 For the recreational and resource conservation operations of the department; provided, that funds appropriated herein shall be used to operate all of the department's parks, heritage state parks, reservations, campgrounds, beaches and pools and for the oversight of rinks; provided further,

that funds appropriated herein shall be used to protect and manage the department's lands and natural resources, including the forest and parks conservation services and the bureau of forestry developments; provided further, that funding shall be available for an internship program for students at the University of Massachusetts Stockbridge school of forestry or other academic institutions providing similar training and education programs in forestry, recreation, natural resources, watershed management or fire science; provided further, that not less than \$50,000 shall be expended for the promotion of tourism in the city of Fall River, including the Fall River Heritage State park; provided further, that such funds shall be administered by the city of Fall River; provided further, that no funds from this item shall be made available for payment to true seasonal employees, so-called; provided further, that not less than \$225,000 shall be obligated for the Schooner Ernestina commission; provided further, that \$5,000 shall be expended on community tree planting in the town of Wayland; and provided further, that the department of environmental management may issue grants to public and non-public entities from this line items \$22,159,867

2100-2040 For additional expenses, upkeep and improvements to the department of environmental management's parks and recreation system; provided, that no funds from this item shall be expended for the costs of personnel, including seasonal employees; provided further, that not less than \$300,000 shall be expended to replace the wading pool at Warren Manning state park; provided further, that not less than \$175,000 shall be expended to repair and upgrade the so-called Rocky Pond cranberry bogs at the Miles Standish forest; provided further, that not more than \$50,000 shall expended for the repair and restoration of the Matthew J. Kuss fishing facility located at Cook pond in the city of Fall River; and provided further, that not more than \$35,000 shall be expended for the rehabilitation of the state pier in the town of Pembroke \$3,060,000

Second Century Fund 81.7%

General Fund 18.3%

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- 2100-2050 The department of environmental management may expend revenues collected up to a maximum of \$150,000 from campsite reservation transactions from the automated campground reservation and registration program, so-called; provided, that said funds shall be expended for the operation of said program; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$150,000
- 2100-3010 For the summer seasonal hires of the department, including hires for the fire control unit; provided, that at least the same number of lifeguards shall be assigned to Salisbury beach in fiscal year 2000 as were assigned to said beach in fiscal year 1999; provided further, that no funds shall be expended from this item for year-round seasonal employees, so-called; provided further, that seasonal employees of the department who are hired prior to the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day and who received health insurance benefits in fiscal year 1999 shall continue to receive such benefits in fiscal year 2000 during the period of their seasonal employment; and provided further that no funds shall be expended from this item after September 30, 1999 \$3,468,127
- Local Aid Fund 90.0%
- Highway Fund 10.0%
- 2100-3011 For the fall seasonal hires of the department, including hires for the fire control unit; provided, that at least the same number of lifeguards shall be assigned to Salisbury beach in fiscal year 2000 as were assigned to said beach in fiscal year 1999; provided further, that no funds shall be expended from this item for year-round seasonal employees, so-called; provided further, that seasonal employees of the department who are hired prior to the second Sunday before Memorial Day and whose employment continues beyond the Saturday following

Labor Day and who received health insurance benefits in fiscal year 1999 shall continue to receive such benefits in fiscal year 2000 during the period of their seasonal employment; and provided further, that no funds shall be expended from this item prior to October 1, 1999 or after December 31,1999 \$338,944

Local Aid Fund 90.0%
Highway Fund 10.0%

2100-3022 For the winter seasonal hires of the department, including hires for the fire control unit; provided, that no funds shall be expended from this item for year-round seasonal employees, so-called; provided further, that seasonal employees who are hired prior to the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day and who received health insurance benefits in fiscal year 1999 shall continue to receive such benefits in fiscal year 2000 during the period of their seasonal employment; and provided further, that no funds shall be expended from this item prior to January 1, 2000 or after March 31, 2000 \$36,315

Local Aid Fund 90.0%
Highway Fund 10.0%

2100-3023 For the spring seasonal hires of the department, including hires for the fire control unit; provided, that no funds shall be expended from this item for year-round seasonal employees, so-called; provided further, that seasonal employees who are hired prior to the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day and who received health insurance benefits in fiscal year 1999 shall continue to receive such benefits in fiscal year 2000 during the period of their seasonal employment; and provided further, that no funds shall be expended from this item prior to April 1, 2000 \$2,209,191

Local Aid Fund 90.0%
Highway Fund 10.0%

Department of Environmental Protection.

2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office

of environmental results and strategic planning, the bureau of resource protection, the bureau of waste prevention, the Senator William X. Wall experimental station and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 18 of chapter 21A of the General Laws; provided further, that said appropriations for ordinary maintenance of said department from state funds other than the Environmental Challenge Fund and the Environmental Permitting and Compliance Assurance Fund shall be comparable to the baseline figure, as defined in said subsection, based on inflation, the department's demonstrated program improvements and efficiencies in areas other than those supported by fees and added or reduced programmatic responsibilities of the department; provided further, that \$100,000 shall be expended for the upgrade of equipment at William X. Wall experimental station; provided further, that not more than \$542,000 shall be allocated to the town of Norton for the completed sewer/interceptor project, #WPC-MASS-S145; provided further, that of the amount appropriated herein, not more than \$91,000 shall be expended in conjunction with phase II of the environmental results program, so-called, including one full-time equivalent position, and training; provided further, that not more than \$535,000 shall be expended for technical assistance to communities to comply with provisions of Title V; provided further, that \$50,000 shall be transferred from this item to the University of Massachusetts at Amherst soil and science department for the purpose of collecting data from, and evaluating innovative greywater recycling systems; provided further, that of the amount appropriated herein the department shall expend \$250,000 to develop a comprehensive wastewater management plan,

in accordance with all requirements of the department, for communities connected to the Massachusetts Water Resources Authority Braintree/Weymouth interceptor, so-called; provided further, that the department shall conduct a study to determine the adequate staffing level for the wetlands protection program; provided further, that the study shall be submitted to the house and senate committees on ways and means by December 1, 1999; provided further, that not less than \$175,000 shall be allocated to the Massachusetts Military Reservation Environmental Technology Center, pursuant to section 252 of chapter 38 of the acts of 1995; and provided further, that the department shall submit a report to the house and senate committees on ways and means on or before January 3, 2000 detailing the number of full-time equivalent positions assigned to environmental permitting functions and the number of full-time equivalent positions assigned to compliance inspections and environmental enforcement activities; provided further, that not less than \$50,000 shall be expended for a growth management plan for the town of Plymouth; and provided further, that not less than \$50,000 shall be paid to the town of Clinton for the reconstruction and rehabilitation of the Burditt Hill water tank in the town of Clinton \$30,906,082

General Fund	41.05%
Environmental Permitting and Compliance Fund	36.95%
Clean Environment Fund	22.0%

2200-0106 For the payment of charges assessed to the department of environmental protection for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2000 all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of environmental protection, with the approval of the secretary of administration and finance, may transfer said DD subsidiary

to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established in sections 1A and 1B; and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein \$693,812

General Fund 90.66%
Clean Air Act Compliance Fund 6.13%
Toxics Use Reduction Fund 3.21%

2200-0150 For temporary assistance for the implementation of the Massachusetts rivers protection act, so-called, pursuant to chapter 258 of the acts of 1996; provided, that said assistance shall include, but not be limited to, funding of consultant contracts for the circuit rider program, so-called, the development and distribution of maps, and technical guidance materials \$500,000

2210-0100 For the implementation and administration of chapter 21I of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means on or before January 3, 2000 detailing the status of the department's progress in meeting the statutory and

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regulatory deadlines associated with said chapter 21I and detailing the number of full-time equivalent positions assigned to various implementation requirements of said chapter 21I \$941,724

Toxics Use Reduction Fund 100.0%

2220-2220 For the administration and implementation of the federal Clean Air Act, including the operating permit program, the emissions banking program, the auto related state implementation program, the low emission vehicle program and the non-auto related state implementation program, so-called; provided, that not less than \$1,456,366 shall be expended for the operating permit program, so-called; provided further, that \$100,000 shall be expended for the purpose of researching the long-range transport of ground level ozone and its precursors, implementation activities for the proposed revised national ambient air quality standards, so-called, and the assessment and mitigation of the environmental impacts of utility deregulation \$2,183,129

Clean Air Act Compliance Fund 100.0%

2250-2000 For the purposes of state implementation of the federal Safe Drinking Water Act pursuant to section 18A of chapter 21A of the General Laws \$1,724,520

Safe Drinking Water Act Fund 100.0%

2260-8870 For the expenses of the hazardous waste cleanup and underground storage tank programs, notwithstanding the provisions of section 323F of chapter 94 of the General Laws and section 2K of chapter 29 of the General Laws and section 4 of chapter 21J of the General Laws; provided, that not less than \$25,000 shall be expended for the sea change project, so-called, in the evaluation and development of innovative technologies for hazardous waste remediation, brownfields development and ecosystem recovery; and provided further, that the department shall submit a report to the house and senate committees on ways and means on or before January 3, 2000 detailing the number of full-time equivalent positions assigned to tier IA, tier IB, tier IC and tier II projects \$15,237,029

Clean Environment Fund 50.0%

Environmental Challenge Fund 40.33%

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	General Fund	5.14%	
	Underground Storage Tank Petroleum Product		
	Cleanup Fund	4.20%	
	Local Aid Fund	0.33%	
2260-8881	For the operations of the board of registration of hazardous waste site cleanup professionals, notwithstanding the provisions of section 19A of chapter 21A of the General Laws		\$295,302
	Environmental Challenge Fund	100.0%	
<i>Department of Fisheries, Wildlife and Environmental Law Enforcement.</i>			
2300-0100	For the office of the commissioner of the department of fisheries, wildlife and environmental law enforcement		\$651,188
	General Fund	62.5%	
	Environmental Law Enforcement Fund	12.5%	
	Marine Fisheries Fund	12.5%	
	Public Access Fund	12.5%	
2300-0101	For a program of riverways protection, restoration, and promotion of public access to rivers, including grants to public and non-public entities; provided, that the positions funded in this item shall not be subject to the provisions of chapter 31 of the General Laws		\$517,867
	Public Access Fund	47.79%	
	General Fund	52.21%	
2300-0104	For a conservation engineering program to promote alternative species fisheries through the development, testing and monitoring of new fishing gear and fishing techniques; provided, that the department shall conduct research on gear modifications that reduce the risk of entanglement of northern right whales and other protected species; and provided further, that the department shall fund emergency research and management measures in coastal waters of the commonwealth necessitated by the presence of northern right whales		\$86,440
2300-0106	For the operation of the statewide point-of-sale outdoor recreation transaction system, so-called; provided, that the department may expend funds from this item to acquire information technology necessary to enable retail sales establishments to participate in said system and act as		

licensing agents of the commonwealth; provided further, that said establishments shall reimburse the commonwealth for the cost of said equipment; and provided further, that said reimbursements shall be credited proportionately to the several funds from which this item is appropriated. \$929,173

Inland Fisheries and Game Fund 50.0%

Marine Fisheries Fund 25.0%

Environmental Law Enforcement Fund 25.0%

Any federal funds received as reimbursements for expenditures from any of the following items shall be credited to the Inland Fisheries and Game Fund.

2310-0200 For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth's share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal aid to fish and wildlife restoration act; provided, that funds from this item shall be made available to the University of Massachusetts at Amherst for the purposes of wildlife and fisheries research in an amount not to exceed the amount received in fiscal year 1999 for such research; and provided further, that expenditures for such programs shall be contingent upon prior approval of proper federal authorities for reimbursement of at least 75 per cent of the amount so expended \$6,732,323

Inland Fisheries and Game Fund 100.0%

2310-0316 For the purchase of land containing wildlife habitat and for the costs of the division of fisheries and wildlife directly related to the administration of the wildlands stamp program pursuant to sections 2 and 2A of chapter 131 of the General Laws \$2,000,000

Inland Fisheries and Game Fund 100.0%

2310-0317 For the waterfowl management program pursuant to section 11 of chapter 131 of the General Laws \$85,000

Inland Fisheries and Game Fund 100.0%

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2310-0500	For the expenses of a state funded program for natural heritage and environmental assessment	\$362,667
	Inland Fisheries and Game Fund	50.0%
	Natural Heritage and Endangered Species Fund ..	50.0%
2315-0100	For the administration of a program of non-game management and research	\$426,958
	General Fund	75.0%
	Natural Heritage and Endangered Species Fund ..	25.0%
2320-0100	For the administration of the public access board; provided, that positions funded herein shall not be subject to the provisions of chapter 31 of the General Laws	\$270,644
	Public Access Fund	100.0%
2320-0200	For the maintenance, operation, acquisition and improvement of public access land and water areas, as authorized by section 17A of chapter 21 of the General Laws; provided, that the amount necessary to construct a boat ramp in the town of Mattapoisett shall be expended from this item; provided further, that not more than \$62,000 shall be expended for the float-landing systems, so-called, at the Barton Cove and Oxbow boat launching facilities, so-called; and provided further, that not more than \$580,000 shall expended for the plans, engineering, design, permitting and construction of a multiple lane voting access ramp in appurtenant facilities on the Merrimack River in the city of Lowell	\$1,541,135
	Public Access Fund	62.37%
	General Fund	37.63%
2330-0100	For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that the Newburyport shellfish purification plant shall generate not less than \$115,000 from purification fees; provided further, that not less than \$50,000 shall be ex-	

	pended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that not less than \$150,000 shall be expended on research on the fishing conservation efforts in Georges Bank to be administered by the University of Massachusetts at Dartmouth- CMAST; and provided further, than not less than \$100,000 shall be expended for the joint operation of shellfish propagation program on Cape Cod between the division and Barnstable county	\$3,945,469
	Marine Fisheries Fund	100.0%
2330-0120	For the division of marine fisheries for a program of enhancement and development of marine recreational fishing and related programs and activities, including the cost of equipment maintenance, staff, and the maintenance and updating of data	\$736,072
	Marine Fisheries Fund	100.0%
2330-0121	For the division of marine fisheries to utilize reimbursable federal sportfish restoration funds to further develop marine recreational fishing and related programs, including the costs of activities that increase public access for marine recreational fishing, support research on artificial reefs, and otherwise provide for the development of marine recreational fishing; provided, that not less than \$60,000 shall be expended for said research on artificial reefs; provided further, that the division of marine fisheries is hereby authorized to expend revenues up to \$380,000 collected from federal sportfish restoration funds and from the sale of materials which promote marine recreational fishing; and provided further, that this expenditure shall generate an additional \$285,000 reimbursement from the federal sportfish restoration program to the marine fisheries fund	\$380,000
	Marine Fisheries Fund	100.0%
2350-0100	For the operation of the division of environmental law enforcement; provided, that each county in the commonwealth shall be assigned at least one full-time environmental officer; provided further, that officers shall be assigned to vacant patrol districts; provided further, that	

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officers shall provide monitoring pursuant to the national shellfish sanitation program; and provided further, that not more than \$20,000 shall be expended on the continued expansion of the communications network to join a statewide communications system with the executive office of public safety \$8,893,430

Environmental Law Enforcement Fund 50.66%

General Fund 34.20%

Highway Fund 15.14%

2350-0101 For the hunter safety training program \$294,277

Inland Fisheries and Game Fund 100.0%

2350-0104 For environmental police private details, so-called; provided, that the division is hereby authorized to expend revenues of up to \$125,000 collected from fees charged for private details \$125,000

Environmental Law Enforcement Fund 100.0%

Metropolitan District Commission.

2410-1000 For the administration of the metropolitan district commission; provided, that said commission shall enter into an interagency agreement with the department of state police to provide police coverage on commission properties and parkways; provided further, that said department shall reimburse the commission for costs incurred by the commission including, but not limited to, vehicle maintenance and repairs, the operation of department buildings and other related costs; provided further, that notwithstanding the provisions of section 3B of chapter 7 of the General Laws the commission is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of the commission; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 14, 2000; provided further, that notwithstanding the provisions of any administrative bulletin, general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services

division; and provided further, that no funds shall be expended from this item for personnel overtime costs	\$1,412,848
Local Aid Fund	75.0%
Highway Fund	25.0%

2410-1001 The metropolitan district commission is hereby authorized to expend \$100,000 for the operation and maintenance of the commission's telecommunications system from revenues received from the Massachusetts Water Resources Authority, the Massachusetts Convention Center Authority, the department of highways central artery/third harbor tunnel project, so-called, the department of state police, and quasi-public and private entities through a system of user fees and other charges established by the commissioner; provided, that this item shall not impair or diminish the rights of access and utilization of all current users of the system pursuant to agreements previously entered into with the commission; and provided further, that this item may be reimbursed by political subdivisions of the commonwealth and private entities for direct and indirect costs expended by the commission to maintain said telecommunications system \$100,000

2420-1400 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the commission; provided, that expenses incurred in other commission programs to assist the watershed management program may be charged to this item; provided further, that no water shall be diverted from the Connecticut river by the metropolitan district commission or the Massachusetts water resources authority; provided further, that \$500,000 shall be paid to the town of Clinton, pursuant to section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of said payment shall be charged to the local aid fund and not be included in the amount of the annual determination of fiscal year charges to the Massachusetts water resources authority assessed to said authority under section 113 of chapter 92 of the General Laws; provided further, that a work crew shall be made available at the Sudbury reservoir for maintenance of said reservoir; provided further, that not less than 13 rangers

shall be assigned to patrol watershed areas; and provided further, that the metropolitan district commission shall provide the Massachusetts water resources authority advisory board with an annual presentation of the expenses of watershed management operations funded by this item for which said authority is charged \$11,666,975

Watershed Management Fund 95.71%

Local Aid Fund 4.29%

2440-0010 For the administration, operation and maintenance of the metropolitan district commission parks and recreation division, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the commission, for the flood control activities of said commission, and for the purchase of all necessary supplies and related equipment; provided, that no funding shall be made available from this item for true seasonal employees, so-called; provided further, that of the amount appropriated herein, not less than \$1,300,000 shall be expended on general upkeep, deferred maintenance and improvements to the commission's parks and recreational facilities; provided further, that not less than \$37,482 shall be expended for additional personnel in the Fells reservation; provided further, that not less than \$51,000 shall be expended to assess flood damage to Pine Banks park and Forestdale cemetery; provided further, that not less than \$842,994 shall be expended for expenses of the state house park rangers, including the cost of personnel; provided further, that \$100,000 shall be expended for improvements to the land and the facilities of the Charles River Esplanade in the city of Boston; provided further, that the commission shall expend \$150,000 above the amount expended for maintenance of the southwest corridor park in the city of Boston in fiscal year 1998 and shall enter into contracts for personnel and other resources necessary for such maintenance, including the costs of two horticulturists and a supervisor; provided further, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General

Laws; provided further, that not less than \$50,000 shall be expended for improvements to Bellevue reservation in the West Roxbury section of the city of Boston including, but not limited to, ranger patrols of said reservation, lighting and irrigation; provided further, that not less than \$25,000 shall be expended for algae and weed treatment of the upper mystic lakes; provided further, that \$10,000 shall be expended for payments to the Charles River Watershed Association for testing of fecal coliform levels in the Charles river and the posting of warning flags to indicate unsafe levels of contamination; provided further, that \$25,000 shall be expended for the beautification and maintenance of the two hillsides maintained by the commission, adjacent to the McGrath - O'Brien highway and Linwood street in the city of Somerville; provided further, that not less than \$150,000 shall be expended for the costs associated with the management of aquatic non-native plants in the Charles river lakes district, including treatment and monitoring; provided further, that \$75,000 shall be expended for the survey and re-design of children's play areas in the southwest corridor park to be in compliance with state and federal disability requirements; provided further, that \$100,000 shall expended for improvements to the Nike Site, so-called, in the Blue Hills Reservation in the town of Randolph; provided further, that the commission shall assign a minimum of one park ranger to patrol the MDC park on Recreation road in the town of Weston from 9:00 a.m. until 6:00 p.m. each day between May 1 and September 30; provided further, that not less than \$75,000 shall be expended for improvements to the Revere Beach parkway in the city of Everett; provided further, that not less than \$37,000 shall be expended for the general upkeep and maintenance of the John Fitzgerald Kennedy Library park in the city Cambridge; provided further, that two additional Forest & Park Supervisor III positions, one Laborer II, and one Laborer I position shall be assigned to the Breakheart Reservation for nine months of the year; provided further, that not less than \$200,000 shall be expended for renovations and improvements to the buildings and property known as Connors memorial pool

in the city of Waltham; provided further, that a sum of \$100,000 be made available for a program of tree planting and replacement with not less 50 per cent of the trees under this program allocated to city and towns for use by them in city and town parks and streets; provided further, that \$40,000 shall be expended on the maintenance of Red Rock Park on Lynn Shore drive in the city of Lynn; provided further, that not less than \$50,000 shall be expended from this item for the maintenance, operation and administration of the Harry McDonough sailing program, operated in the South Boston section of the city of Boston; and provided further, that not less than \$35,000 shall be expended for replacing fencing and backstop at Santoro field in the city of Medford \$27,945,327

Highway Fund 60.0%
Local Aid Fund 40.0%

2440-0045 For payment to the city of Boston for maintenance and operation of the James Michael Curley recreation center \$293,116
Local Aid Fund 100.0%

2440-0501 For deferred maintenance repairs to rinks, pools and other properties under the jurisdiction of the metropolitan district commission; provided, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, with respect to all activities, including procurement and contract management, required for the purposes of this item and funded by the amount appropriated herein, all authorities and responsibilities normally belonging to the division of capital asset management and maintenance shall belong solely to the commission; provided further, that the commission shall conduct all such activities in a manner consistent with the best interests of the commonwealth and according to sound business practices; provided further, that the commission shall file bimonthly reports detailing all encumbrances and expenditures of funds appropriated herein and the status of all such repairs to be funded from this item, with the secretary of environmental affairs, the secretary of administration and finance and the house and senate committees on ways and means; and provided further, that no funds appropriated herein shall be

expended for any personnel or administrative costs of the commission; provided further, that not more than \$25,000 shall be expended for sidewalk repairs and the installation of permanent markers that indicate the distance of walking mileage elapsed along Wollaston beach on Quincy Shore drive in the city of Quincy; provided further, that not more than \$350,000 shall be expended to rehabilitate the pool building at the McCrehan pool on Rindge avenue in the city of Cambridge; provided further, that not more than \$180,000 shall be expended for improvement to the structures and water fountain at the Fellsway Reservoir in the city of Malden; provided further, that not less than \$200,000 shall be expended for improvements to and maintenance of the land surrounding Spot Pond in the town of Stoneham; provided further, that not more than \$150,000 shall be expended for the study and preliminary design of a plan to reconstruct the Mystic Lakes dam in the towns of Winchester and the city of Medford; provided further, that not more than \$50,000 shall be expended for Lynn Fells parkway improvements in the town of Saugus; provided further, that not more than \$250,000 shall be expended for the repair of the tidal gates at the mouth of Furnace Brook and Black's Creek in the city of Quincy in accordance with the project specifications and scope of work prepared by the department of highways relative to implementation and construction of the Cunningham Brook/Furnace Brook flood control project, so-called; provided further, that not more than \$25,000 shall be expended for the beautification and clean-up of the Veteran's of Foreign Wars parkway and the West Roxbury parkway in the West Roxbury section of the city of Boston; provided further, that not more than \$650,000 shall be expended for the costs repairs of the Kasabuski Memorial rink in the town of Saugus; provided further, that \$200,000 shall be expended for the construction of a multipurpose recreational field on land under the care and control of said commission in the town of Southborough; provided further, that \$300,000 shall be expended for improvement to and maintenance of Connell memorial rink; and provided further, that \$50,000 shall be expended for the

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	design and repair of the historic one room schoolhouse at Moore State Park in the town of Paxton	\$2,783,687
2440-1000	The metropolitan district commission is hereby authorized to expend an amount not to exceed \$100,000 from revenue generated pursuant to section 34B of chapter 92 of the General Laws	\$100,000
2440-1202	For the civilianization of crossing guards located at metropolitan district commission intersections where state police personnel previously performed such duties; provided, that not less than \$3,902 shall be expended on additional school crossing guards on the corner of Mystic avenue and Shore drive in the city of Somerville	\$223,902
2440-2000	For the expenses of snow and ice control on the metropolitan district commission parkways, including the costs of personnel	\$569,796
	Highway Fund	100.0%
2440-3000	For the extended rink season, including the costs of personnel; provided that the metropolitan district commission is hereby authorized and directed to allocate skating rink rental time so as to promote the expansion of all youth hockey programs without discrimination by gender	\$517,283
	Local Aid Fund	100.0%
2440-3001	The metropolitan district commission is hereby authorized to expend an amount not to exceed \$403,506 from skating rink fees and rentals for the operation and maintenance, including personnel costs, of four rinks between September 1, 1999 and April 30, 2000 for an expanded and extended rink season	\$403,506
2440-4000	For the operation of the Ponkapoag Golf Course including maintenance, equipment and capital improvements pursuant to section 2U of chapter 29 of the General Laws.	\$717,669
	Ponkapoag Recreational Fund	100.0%
2440-4500	For the operation of the Leo J. Martin Golf Course, including the costs of year round and true seasonal employees, so-called, pursuant to section 2II of chapter 29 of the General Laws	\$465,075
	Leo J. Martin Recreational Fund	100.0%
2440-5000	For the summer and fall seasonal hires of the commission;	

	provided, that no funds appropriated herein shall be used for year-round seasonals, so-called	\$2,500,480
	Highway Fund	60.0%
	Local Aid Fund	40.0%
2440-6000	For the winter and spring seasonal hires of the commission; provided, that no funds appropriated herein shall be used for year-round seasonals, so-called	\$562,436
	Highway Fund	60.0%
	Local Aid Fund	40.0%
2443-2000	For the operation of the Commonwealth Zoological Corporation, pursuant to chapter 92B of the General Laws; provided, that \$3,000,000 of the amount appropriated herein shall be used toward the improvement of the Franklin Park and Stone zoos and for the purposes of promoting private fund-raising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that said corporation shall take all steps necessary to increase the amount of private funding available for the operation of said zoos; provided further, that said corporation shall report to the house and senate committees on ways and means not later than March 1, 2000 on the status of, and amounts collected from, the private fund-raising and enhanced revenue efforts identified in the draft Massachusetts zoos business and operations plan dated December, 1996; and provided further, that said corporation shall continue to provide free services and supplies, including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the trailside museum and the Chickatawbut hill center in the town of Milton	\$6,000,000
	Local Aid Fund	100.0%
2443-2002	For improvements to municipal zoos; provided, that \$250,000 shall be provided to the Forest Park Children's Zoo in the city of Springfield; provided further, that \$250,000 shall be provided to the Buttonwood Park Zoological Society, Inc. to establish educational programs, exhibits, and other enhancements; and provided further, that 30 days prior to	

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	any said expenditure the Buttonwood Park Zoological Society, Inc. shall submit to the secretary of the executive office of environmental affairs a detailed plan of all such expenditures	\$500,000
	Local Aid Fund	100.0%
2444-9001	For the construction, reconstruction and improvement of boulevards, parkways, bridges and related appurtenances under the care, custody and control of the commission	\$877,432
	Highway Fund	100.0%
2444-9004	For certain payments for the maintenance and use of the trailside museum and the Chickatawbut hill center	\$412,500
	Local Aid Fund	100.0%
2444-9005	For street lighting on metropolitan district commission parkways	\$2,400,000
	Highway Fund	100.0%
2460-1000	For the construction division; provided, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions of the division shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws	\$2,915,678
	Highway Fund	80.0%
	Local Aid Fund	20.0%

Department of Food and Agriculture.

2511-0100	For the operation of the department of food and agriculture, including the office of the commissioner, the expenses of the board of food and agriculture, the division of dairy services, the division of regulatory services and animal health, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, the division of agricultural development and fairs, including the expenses of the agricultural lands board; provided, that allotment funds for 4-H activities may be expended from this item; provided further, that not less than \$287,245 shall be expended for the farmer's market coupon program; provided further, that not less than \$250,000 shall be expended for agricultural fair prizes; provided further, that funds shall be made available from this item for the cranberry trade initiative, so-called,	
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	provided further, that not less than \$49,976 shall be expended on the rabies control program; provided further, that \$300,000 shall be expended for implementation of the agricultural marketing strategic plan including, but not limited to, a "Buy Local" campaign, so-called, and funding for agricultural business training and technical assistance; and provided further, that not less than \$20,000 shall be expended on a shellfish propagation program in the town of Westport	\$4,995,013
2511-0105	For the purchase of supplemental foods for the emergency food assistance program within the second harvest nationally-certified food bank system of Massachusetts; provided, that the funds appropriated herein shall be expended for food to be distributed by the greater Boston food bank as follows: 73.5 per cent to the greater Boston food bank, including a portion to be distributed to the Merrimack valley food bank pursuant to a contractual agreement between said food bank and the greater Boston food bank, 15.2 per cent to the food bank of western Massachusetts, and 11.3 per cent to the Worcester county food bank; and provided further, that not more than \$150,000 shall be made available for a statewide nutrition education program. ...	\$6,430,000
2511-3002	For the integrated pest management program; provided, that not less than \$150,000 shall be expended for the purpose of a research grant at the University of Massachusetts; provided further, that the university shall not assess any overhead costs or charges to funds allocated to the university from this line item	\$299,500
2511-4010	For the development of the aquaculture program, including promotion, marketing, industry unification and a grant program that is responsive to the needs of the Massachusetts aquaculture industry	\$142,772
2520-0100	For the operation of the state reclamation board	\$59,204
	Mosquito and Greenhead Fly Control Fund ... 100.0%	
For the expenses of the following mosquito control projects. Persons employed in the following projects shall be exempt from the provisions of section 29A of chapter 29 of the General Laws:		
2520-0300	For the Cape Cod mosquito control program, prior appropriation continued	\$1,078,532

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	Mosquito and Greenhead Fly Control Fund ...	100.0%	
2520-0900	For the Suffolk county mosquito control program		\$179,497
	Mosquito and Greenhead Fly Control Fund ...	100.0%	
2520-1000	For the Central Massachusetts mosquito control program		\$844,039
	Mosquito and Greenhead Fly Control Fund ...	100.0%	
2520-1100	For the Berkshire county mosquito control program		\$107,870
	Mosquito and Greenhead Fly Control Fund ...	100.0%	
2520-1200	For the Norfolk county mosquito control program, prior appropriation continued		\$794,576
	Mosquito and Greenhead Fly Control Fund ...	100.0%	
2520-1300	For the Bristol county mosquito control program		\$633,192
	Mosquito and Greenhead Fly Control Fund ...	100.0%	
2520-1400	For the Plymouth county mosquito control program		\$841,584
	Mosquito and Greenhead Fly Control Fund ...	100.0%	
2520-1500	For the Essex county mosquito control program, including not less than \$75,000 for an aerial spray mosquito control program		\$575,807
	Mosquito and Greenhead Fly Control Fund ...	100.0%	

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

4000-0100	For the operation of the executive office; provided, that said office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that said executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements un- dertaken by the department of social services, the division of medical assistance, and the department of transitional assistance, and shall ensure that all measures are taken to make said systems compatible with one another for en- hanced interagency interaction; provided further, that said office shall report to the house and senate committees on ways and means and the secretary of administration and finance on the progress of such projects and enhancements and the measures taken to ensure interagency cooperation not later than January 15, 2000; provided further, that said executive office is hereby authorized and directed to conduct a study of early intervention and prevention
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services for children at highest risk for sexually aggressive behavior as identified in evaluations conducted pursuant to section 33B of chapter 119 of the General Laws; provided further, that areas of study shall include, but not be limited to, staff-secure residential programs, specialized treatment groups to ameliorate the effects of sexual abuse, physical abuse, neglect, and domestic violence, and a full evaluation of the public safety benefits of early intervention and prevention services delineated herein; provided further, that said executive office shall report its findings, including recommendations for funding and further legislation, to the joint committee on human services and elderly affairs and the house and senate committees on ways and means no later than March 1, 2000; provided further, that said executive office shall continue to develop and implement the common client identifier, so-called; provided further, that said executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that not more than \$55,000 shall be expended for the annualized cost of a domestic violence coordinator; and provided further, that the executive office of health and human services and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on said islands \$2,176,831

4000-0105 The executive office of health and human services is hereby authorized, subject to the provisions of this item relating to sections 1A and 1B, to expend revenues from federal reimbursements and other sources in an amount not to exceed \$1,200,000 for multi-systemic therapy services, so-called, for those children and adolescents identified as being at risk of an out-of-home placement by a court of competent jurisdiction, the department of social services, the department of youth services, the department of mental health, or the school where said child is enrolled as a student; provided, that the secretary of health and human services shall submit to the house and senate committees

on ways and means a report detailing the number of children served, the specific types of services provided, and the specific results achieved by the provision of such services on or before January 1, 2000; provided further, that no funds appropriated herein shall be allocated to any other item of appropriation; provided further, that the secretary of health and human services shall award a contract funded from this item to a vendor meeting the terms of performance standards established by the secretary of health and human services, which shall include, but not be limited to, the specific types of services and costs of such services to be funded by said contract and a delineation of all planned expenditures consistent with the expenditure classification system established by the comptroller; provided further, that no funds from this item shall be used to purchase capital assets or equipment; provided further, that any funds awarded from this item shall be in addition to and not supplant existing state funds; provided further, that any mental health services provided pursuant to said contract shall be delivered by licensed professionals in the mental health field; provided further, that expenditures made pursuant to said contract shall not annualize in fiscal year 2001; provided further, that no revenues shall be credited to this item until the secretary of administration and finance certifies that the secretariat of health and human services has met or exceeded the revenue estimates delineated in said sections 1A and 1B and the comptroller has certified that expenditure of said revenues shall not have a negative impact on the revenue optimization program, so-called; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the comptroller shall establish monthly benchmarks for the collection of said revenues consistent with meeting or exceeding said revenue estimates in said sections 1A and 1B; provided further, that before depositing any revenue in this account, the comptroller shall certify that the secretariat's revenue collections are meeting or exceeding said benchmarks; provided further, that the comptroller shall submit a report

on the calculation of said benchmarks to the house and senate committees on ways and means on or before December 15, 1999; provided further, that no reimbursements attributable to any department of social services expenditures shall be counted in said estimate or credited to this item; provided further, that said secretary may designate agencies within the secretariat to receive and expend said revenues; and provided further, that an agency designated by said secretary may incur expenses and the comptroller shall certify for payments amounts not to exceed the authorization allowed by said secretary \$1,200,000

4000-0110 For matching grants to municipalities, boys and girls' clubs, YMCA and YWCA organizations and non-profit community centers for a pilot program to prevent high rates of juvenile delinquency, teen pregnancy, and high school dropout rates for youths-at-risk, so-called; provided, that said program shall be structured to require collaboration in each such neighborhood between agencies of said executive office of health and human services and the department of education, county sheriffs' offices, public safety departments, boys and girls' clubs, YMCA and YWCA organizations and non-profit community centers of each participating municipality; provided further, that youths-at-risk shall include, but need not be limited to, those teenagers and preteenagers identified with histories of court involvement, significant or continuous exposure to criminal behavior in their household, truancy, homelessness, children in need-of-services status, so-called, or involvement with the departments of social services or youth services; provided further, that funds from this item may be expended to provide after-school programs that include parental accountability and training, court-based assessments, mentoring, substance abuse prevention and recreational programs; provided further, that the executive office shall work in conjunction with public and private organizations for the purposes of securing new matching funds for expenditures made from this item; provided further, that any funds distributed pursuant to this item shall be subject to the following provisions: (a) no funds appropriated herein shall be

allocated or disbursed prior to the commitment of new, equal matching funds from such municipalities or organizations the amount of which shall exceed amounts committed by such municipalities or organizations for the same or similar purposes in fiscal year 1999; (b) any contract awarded to any such municipality or organization shall be awarded on a one-year basis and shall not annualize in any future fiscal year, (c) any contract shall be performance-based, and (d) any contract shall be subject to reporting requirements which shall provide for a study of the longitudinal effects of said program; provided further, that said secretary shall report to the house and senate committees on ways and means on the types of services provided in each targeted municipality, the cost of each such service, the exact amounts matched by each program, the names of vendors contracted by each such program, the number of children to be served by each such program, the goals of each such program, expected outcomes for fiscal year 2000 and actual outcomes for fiscal year 2000; provided further, that said community-based organizations may qualify for grants from amounts awarded to said state-municipal collaborative pilot programs; provided further, that \$3,000,000 of the amount appropriated herein shall be expended for matching grants to municipalities, boys and girls' clubs, YMCA and YWCA organizations and non-profit community centers in neighborhoods identified by the secretary of health and human services as benefiting from intensive proactive intervention, including \$15,000 for the Lynn afterschool at-risk program, so-called, \$20,000 for the public partnership program between the Greater Lynn YMCA and YWCA and the town of Saugus, \$50,000 for a partnership program between the united front child development center and the Boys and Girls Club of New Bedford and \$166,500 for the southwest community health center of Springfield for the youth development program, so-called; and provided further, that \$1,000,000 of the amount appropriated herein shall be expended for competitively procured matching grants to non-profit organizations, including, but not limited to, said boys and girls' clubs and YMCA and YWCA organizations, in

	neighborhoods other than those identified by said secretary of health and human services, for delinquency prevention, leadership and character development, technology training, job training, drug, alcohol and teenage pregnancy prevention, and educational enhancement, including \$25,000 for the Haverhill summer nights program, so-called, \$50,000 for the Billerica Boys and Girls Club and \$50,000 for the Russian Teens-at-Risk Program, so-called, operated by the Jewish Family and Children's Service in the city of Boston, town of Brookline, city of Malden and city of Newton	\$4,000,000
4000-0115	For a contract with Massachusetts Families for Kids; provided, that said organization shall develop a plan to become self-sufficient within two years	\$648,000
4000-0122	For the final year of a citizenship assistance program to assist legal non-citizens in becoming citizens of the United States; provided, that the executive office of health and human services is authorized and directed to enter into an interagency service agreement with the office for refugees and immigrants for the administration of said program; provided further, that said program shall be administered in consultation with said executive office, the department of transitional assistance and the division of medical assistance; provided further, that said program shall be provided through community-based organizations to the maximum extent determined appropriate by the office for refugees and immigrants; provided further, that the program funded by this item: (1) shall provide assistance to persons who are eligible to become citizens of the United States within three years; and (2) may be funded not only through state appropriations but also through matching financial or in-kind contributions by private organizations or local government agencies; provided further, that persons who would qualify for benefits provided pursuant to chapter 118A of the General Laws, but for their status as legal non-citizens shall be accorded the highest priority for provision of services; provided further, that said program shall not be an entitlement and shall be subject to state appropriation; provided further, that the office for refugees and immigrants shall issue	

quarterly reports to the house and senate committees on ways and means and to the executive office of administration and finance on the number of persons participating in said program and the number of persons attaining citizenship in each quarter; provided further, that said report shall also detail the number of participants in said program receiving state-funded benefits by category of benefits and the federal benefits each participant would have been eligible for, but for his status as a legal non-citizen; provided further, that said office for refugees and immigrants shall report quarterly to the house and senate committees on ways and means and the executive office of administration and finance on the amounts of matching or in-kind contributions by private organizations or local government agencies; provided further, that no funds shall be expended from this item to replace expiring federal funds; provided further, that no funds shall be expended from this item for AA subsidiary payroll costs, so-called; and provided further, that it is declared to be the intention of the general court that this program shall not continue beyond fiscal year 2000 and that not more than an aggregate amount of \$6,000,000 shall be expended for the purposes of said program during the period from fiscal year 1998 to fiscal year 2000, inclusive \$2,000,000

4000-0125 For improvements to the health, safety and well-being of patients and residents of the Massachusetts soldiers' home and the Holyoke soldiers' home by installing central air conditioning at said facilities; provided, that the soldiers' homes shall submit, subject to the approval of the secretary of health and human services, an allocation and implementation plan for the amount appropriated herein to the house and senate committees on ways and means not later than February 5, 2000; provided further, that said soldiers' homes shall pursue the highest level of federal reimbursement for the expenditure of said funds; provided further, that amounts allocated to said installation shall be one-time, non-recurring expenditures, which shall remain available for expenditure until June 30, 2001; and provided further, that no expenditure shall be made from this item until the comptroller has certified receipt of the first

payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act	\$6,000,000
Tobacco Settlement Fund	100.0%

Division of Medical Assistance.

4000-0300 For the operation of the division, including the administrative costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that the same standards and regulations for personal care attendants in effect on February 1, 1999 shall be retained in fiscal year 2000 unless an agreement to any changes is reached between the division of medical assistance, designees of the Governor's Advisory Commission on Disability Policy, the Massachusetts office on disability and the Statewide Independent Living Council; provided further, that the same standards and regulations in place for score III, so called, in fiscal year 1998 shall be retained in fiscal year 2000; provided further, that in consultation with the division of health care finance and policy, the division of medical assistance shall not approve any increase in existing medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated to the division by this act shall be accounted for according to such purpose on the Massachusetts management, accounting and reporting system not more than ten days after such expenditures have been made by the medicaid management information system; provided further, that the division shall not make expenditures that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and

senate committees on ways and means 30 days prior to making such expenditures; provided further, that the division may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds, so-called; provided further, that the division shall report quarterly to the house and senate committees on ways and means the amounts of said expenditure refunds credited to each item of appropriation; provided further, that unless otherwise expressly authorized by law, the division shall deposit all federal funds received in the general fund; provided further, that the division shall report quarterly to the house and senate committees on ways and means the amount of hand generated payments, so-called, to providers by item of appropriation from which said payments were made; provided further, that the division shall authorize durable medical equipment that is prescribed for preventative services; provided further, that the federal financial participation received from claims filed by the division for the costs of outreach and eligibility activities performed at certain hospitals and funded in part or in whole by federally permissible provider donations and from hospitals, shall be credited to this item and may be expended without further appropriation and an amount specified in an agreement between the division and each donating provider hospital shall be paid from this item to each hospital, which amount shall be in proportion to each hospital's donated amount; provided further, that the federal financial participation received from claims filed by the division for the costs of outreach and eligibility activities performed at certain hospitals and federally-qualified community health centers and funded in part or in whole by federally permissible provider donations from said hospitals and health centers, shall be credited to this item and may be expended without further appropriation, and an amount specified in an agreement between the division and each donating provider hospital and health center shall be paid from this item to each hospital and health center, which amount shall be in proportion to each

hospital's and health center's donated amount; and provided further, that the costs of outreach and eligibility activities performed by covering kids initiative, so-called, and funded in part or in whole by federally permissible donations from said organizations, shall be credited to this item and may be expended without further appropriation . . . \$40,965,210

General Fund 85.84%

Children's and Seniors' Health Care

Assistance Fund 14.16%

4000-0308 For a reserve for the operation of the division; provided, that no expenditures shall be made from this item prior to the submission by the division to the house and senate committees on ways and means and the executive office of administration and finance data for fiscal year 1999 and the first two quarters of fiscal year 2000 consisting of: (1) monthly expenditure data for items 4000-0430, 4000-0460, 4000-0500, 4000-0600 and 4000-0700, including monthly member-month caseload, date-of-service and date-of-payment expenditure data by provider type and health benefit plan; (2) monthly expenditure and enrollment data for items 4000-0860, 4000-0870, 4000-0880, 4000-0890 and 4000-0891 which, pursuant to the budget neutrality analysis dated March 31, 1999, shall identify, by item of appropriation, total caseload and member-months for participants in the standard, basic, family assistance and employer partnership plans, delineated by age, disability status and direct coverage or premium assistance type of coverage and respective per member per month rates for each such category of eligibility; (3) monthly expenditure data for item 4000-0450, including monthly member-month caseload and expenditure data required pursuant to the provisions of section 16B of chapter 118E of the General Laws; and (4) enrollments and per member per month costs projected through the remainder of fiscal year 2000 and 2001 for items 4000-0430, 4000-0450, 4000-0500, 4000-0600, 4000-0700, 4000-0860, 4000-0870, 4000-0880, 4000-0890 and 4000-0891 not later than February 15, 2000; and provided further, that all expenditures from this item shall be made for the purposes of item 4000-0300 \$1,000,000

	General Fund	85.84%
	Children's and Seniors' Health Care	
	Assistance Fund	14.16%
4000-0309	For administrative expenses of the division made pursuant to the EE subsidiary, so-called, as classified by the comptroller; provided, that all funds appropriated herein shall be scheduled in the EE subsidiary, so-called; and provided further, that no funds from any other item of state appropriation available to the division shall be used for said expenses except as specifically authorized in any such item. . . . \$3,766,188	
	General Fund	85.84%
	Children's and Seniors' Health Care	
	Assistance Fund	14.16%
4000-0310	For administrative support and related services purchased contractually by the division, including contracted services necessary for the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that said services shall include but shall not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers and interagency service agreements; provided further, that not less than \$1,641,150 shall be provided for an interagency service agreement with the executive office of elder affairs that provides for the transfer of funds from this item for the costs of administering enrollment in the pharmacy assistance program established pursuant to the provisions of said section 16B; provided further, that not less than \$500,000 shall be distributed to home care corporations for the purposes of said interagency service agreement; provided further, that a summary description of interagency service agreements for which funds are allocated by the division to other agencies shall be submitted to the house and senate committees on ways and means not more than ten days after making such allocations; provided further, that no funds shall be expended from this item for the contracted services funded in item 4000-0325; provided further, that no funds appropriated herein shall be scheduled or expended from the AA subsidiary, so-called; provided	

further, that no funds shall be expended by the division for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, so-called, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided by the division shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that \$1,000,000 shall be made available for the funding of the state mini-grant program, so called; provided further, that the division shall report to the house and senate committees on ways and means and the executive office of administration and finance, not later than January 4, 2000, the quarterly expenditure of said mini-grants; and provided further, that said report shall include, but not be limited to, a detail of recipients and amounts received, uses of said funds and a cost-based analysis of effectiveness and impact of said mini-grants on increasing enrollments and promoting awareness of MassHealth programs and eligibility for said programs \$37,642,393

General Fund 85.84%

Children's and Seniors' Health Care

Assistance Fund 14.16%

4000-0320 The division of medical assistance may expend an amount not to exceed \$70,000,000 from the monies received from recoveries of any prior year expenditures and collections from liens, estate recoveries, third party recoveries, drug rebates, accident and trauma recoveries, case mix recoveries, computer audits, insurance recoveries, provider overpayment recoveries, bankruptcy settlements, masspro and healthpro refunds, Medicaid fraud returns, data match returns, Medicare appeals and program and utilization review audits; provided, that any revenues collected by the division that are not attributable to the aforementioned categories shall be deposited in the general fund and shall be tracked separately therein; provided further, that additional categories of recoveries and collections may be credited to this item after providing written notice to the house and senate committees on ways and means; provided further, that no funds from this item shall be used for the

purposes of items 4000-0300, 4000-0308, 4000-0309, 4000-0310 or 4000-0325; provided further, that expenditures from this item shall be limited solely to payments for the provision of medical care and assistance rendered in the current fiscal year; and provided further, that the division shall file quarterly with the house and senate committees on ways and means, a report delineating the amount of current year rebates from pharmaceutical companies or other current year collections which are being used to supplement current year expenditures \$70,000,000

4000-0325 For the non-personnel systems costs of the division, including such costs incurred to implement and operate programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that such systems costs may include contracts for the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the division's central automated vendor payment system, the medicaid management information system, so-called, and the recipient eligibility verification system, MA21, so-called, the EE subsidiary costs, so-called, related to information technology division chargebacks, contractors responsible for systems maintenance and development, personal computers and other information technology equipment used by the division; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased by the division shall be assumed by the providers utilizing said devices; provided further, that not later than January 27, 2000, the division shall submit a report to the house and senate committees on ways and means delineating all projected expenses for said chargeback, including all actions taken to improve the efficiency of using information technology division services; provided further, that said report shall delineate any changes in the costs, timeliness and error rate of claims processed on commonwealth systems; and provided further, that said report shall include, but not be limited to, a comprehensive inventory of the division's recipient eligibility verification system's operational ex-

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penses, operational status, and vendors under contract to
operate said system \$32,513,000
General Fund 85.84%
Children's and Seniors' Health Care
Assistance Fund 14.16%

4000-0430 For the commonhealth program to provide primary and supplemental medical care and assistance to disabled adults and children pursuant to sections 9A, 16 and 16A of chapter 118E of the General Laws; provided, that not more than \$3,666,500 shall be expended for expenses incurred in prior fiscal years; provided further, that the division shall maximize federal reimbursement for state expenditures made on behalf of said adults and children; provided further, that the division shall close enrollments or promulgate regulations that adjust eligibility, benefits and other requirements to limit expenditures to the amount appropriated herein; provided further, that the division shall adhere to the same time standards for processing of a commonhealth application as govern applications under Title XIX of the Social Security Act, namely within 45 days of receipt of a completed application or within 90 days if a determination of disability is required; and provided further, that children shall be determined eligible for said medical care and assistance if said children meet the disability standards as defined by the division of medical assistance and that said disability standards shall be no more restrictive than the standards in effect on July 1, 1996. . . \$25,859,658

4000-0450 For a pharmacy assistance program for eligible residents of the commonwealth, pursuant to the provisions of section 16B of chapter 118E of the General Laws, as amended by sections 122, 123, 124, 125, 126, and 127 of this act; provided, that in addition to the amount appropriated for the interagency service agreement with the executive office of elder affairs in item 4000-0310, an amount not less than \$700,000 shall be provided for an interagency service agreement with said office that provides for the transfer of funds from this item for the costs of promulgating and administering enrollment in the senior pharmacy assistance program, established pursuant to the provisions of said section 16B of said chapter 118E \$51,700,000

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	General Fund	41.97%
	Children's and Seniors' Health Care Assistance Fund	58.03%
4000-0460	For an interagency service agreement with the executive office of elder affairs to provide home care services to eligible recipients through the enhanced community options program, so-called, the home health substitution initiative, so-called, and the nursing home light care initiative, so-called; provided, that the executive office of elder affairs shall ensure that the aging services access points, so-called, or other entities that receive funds from this item shall comply with any performance measures, outcome goals and cost-effectiveness standards established by the division and the executive office of elder affairs pursuant to the terms of said interagency service agreement	\$7,793,000
4000-0500	For health care services provided to medical assistance recipients under the division's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the division; provided, that not more than \$148,620,000 shall be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that the commissioners of the division of medical assistance and the department of mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the division to administer the mental health and substance abuse benefit; and provided further, that such quarterly reports shall include, but shall not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health ...	\$1,405,687,366

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- 4000-0600 For health care services provided to medical assistance recipients under the division's senior care plan; provided, that not more than \$235,520,000 shall be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that notwithstanding the provisions of item 4000-0310 to the contrary, not less than \$8,600,000 shall be made available from this item to pay for the cost of home and community-based health waiver services provided to elderly medicaid recipients enrolled in the section 2176 waiver, so-called; provided further, that the division is hereby authorized to seek any federal approvals necessary to establish a managed care program for dually-eligible seniors, so-called; provided further, that said program shall coordinate services covered by medicare and medicaid, including home and community-based support services, for the purpose of providing said seniors with high quality, accessible, cost-effective care which shall enable said seniors to maintain the highest feasible functional level; provided further, that said managed care program shall not take effect unless specifically authorized by law; provided further, that not less than \$6,000,000 shall be made available to increase the per diem rate paid to providers of home health services; provided further, that in addition to the current expenditures for dementia-specific adult day care services, not less than \$1,014,170 shall be made available from this line item to increase the per diem rate paid to providers of said services; and provided further, that expenditures from this item shall be made only for the purposes expressly stated herein \$1,567,747,492
- 4000-0700 For health care services provided to medical assistance recipients under the division's health care indemnity/third party liability plan and medical assistance recipients not otherwise covered under the division's managed care or senior care plans; provided, that not more than \$102,380,000 shall be expended from this item for health care services provided to said recipients in prior fiscal years; provided

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further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that not less than \$900,000 shall be made available from this item to pay for the cost of a program of outreach and follow-up services conducted by agencies certified as comprehensive family planning agencies to increase the utilization of comprehensive family planning services known as the Keep Teens Healthy Project, so-called; and provided further, that expenditures from this item shall be made only for the purposes expressly stated herein \$613,978,363

4000-0860 For MassHealth benefits provided to children and adults pursuant to the provisions of clauses (a), (b), (c), (d) and (h) of subsection (2) of section 9A of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents pursuant to the provisions of said clause (c) of said subsection (2) whose family incomes, as determined by the division, exceed 150 per cent of the federal poverty level; provided further, that not more than \$21,070,000 shall be expended from this item for health care services provided to said children and adults in prior fiscal years; and provided further, that all federal reimbursements received for expenditures from this item pursuant the provisions of Title XIX and Title XXI of the Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund \$188,700,000
Children's and Seniors' Health
Assistance Fund 100.0%

4000-0870 For health care services provided to adults participating in the medical assistance program pursuant to clause (g) of subsection (2) of section 9A of chapter 118E of the General Laws; provided, that not more than \$8,460,000 shall be expended from this item for health care services provided to said recipients in prior fiscal years; and provided further, that all revenues received as a result of expenditures authorized herein shall be credited to the Children's and Seniors' Health Care Assistance Fund \$152,680,000
Children's and Seniors' Health
Care Assistance Fund 100.0%

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- 4000-0880 For MassHealth benefits pursuant to the provisions of clause (c) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws for children and adolescents whose family incomes as determined by the division are above 150 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to said children and adolescents in prior fiscal years; and provided further, that all federal reimbursements received for expenditures from this item pursuant the provisions of Title XXI of the Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund \$33,640,000
- Children's and Seniors' Health Care Assistance Fund 100.0%
- 4000-0890 For the cost of health insurance premium subsidies paid to employees of small businesses participating in the insurance reimbursement program pursuant to the provisions of section 9C of chapter 118E of the General Laws; provided, that all federal reimbursements received for expenditures from this item pursuant the provisions of Title XIX and Title XXI of the Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund \$30,000,000
- Children's and Seniors' Health Care Assistance Fund 100.0%
- 4000-0891 For the cost of health insurance subsidies paid to employers participating in the insurance reimbursement program pursuant to the provisions of section 9C of chapter 118E of the General Laws; provided, that the division shall directly market said program to private human service providers that deliver human and social services under contract with departments within the executive office of health and human services and the executive office of elder affairs for the purpose of mitigating health insurance costs to said employers and their employees; provided further, that on or before May 1, 2000 the division shall report to the house and senate committees on ways and means and the executive office of administration and finance on the specific measures taken to promote said participation, the number of said employers and their employees electing to partici-

pate in said program and the monthly costs of subsidies paid by the division on their behalf; provided further, that the division shall report monthly to the house and senate committees on ways and means and the executive office of administration and finance monthly expenditure data for said program, including the total number of employers participating in said program, the percentage of said employers who purchased health insurance for employees prior to participating in said program and total monthly expenditures delineated by payments to small employers and self-employed persons for individual, two-person and family subsidies; and provided further, that the division shall seek federal reimbursement for said payments to employers \$18,000,000

Children's and Seniors' Health Care
Assistance Fund 100.0%

4000-1400 For the purposes of expanding MassHealth benefits to persons with a diagnosis of human immuno-deficiency virus, so called, and whose incomes are up to 200 per cent of the federal poverty level, subject to federal approval of an amendment to the Medicaid state plan and Section 1115 waiver; provided, that said amendment shall be consistent with the provisions of section 9A of chapter 118E of the General Laws, as amended by section 121 of this act; and provided further, that no expenditure shall be made from this item until the comptroller has certified receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act \$10,000,000
Tobacco Settlement Fund 100.0%

4000-1450 For an interim catastrophic pharmacy assistance program for eligible residents of the commonwealth who are 65 years of age or older, or who are disabled, pursuant to the provisions of section 313 of this act and subject to appropriation; provided, that not more than \$10,000,000 from this item shall be expended from this item until the comptroller has certified receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the

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	tobacco action in accordance with section 3 of chapter 29D of the General Laws, as inserted by section 43 of this act . . .	\$20,000,000
	Tobacco Settlement Fund	50.0%
	Children's and Seniors' Health Care Assistance Fund	50.0%
4000-1500	For expanded pharmacy services for all children to age 18 who are receiving family assistance coverage-premium assistance, so-called, pursuant to section 16C of chapter 118E of the General Laws, section 128 of this act and under the Masshealth demonstration project established pursuant to sections 9A and 9B of chapter 118E of the General Laws, to the extent that the policies of health insurance with respect to which premium assistance payments are being made for the benefit of such children do not cover such services; provided, that the division of medical assistance shall make such expenditures without regard to the availability of federal reimbursement; provided further, that the division shall seek to obtain federal reimbursement for such expenditures through an amendment to the MassHealth demonstration project waiver, so-called; provided further, that said amendment shall be consistent with the provisions of said section 16C of said chapter 118E of the General Laws and section 128 of this act; provided further, that the division shall pursue the highest level of federal reimbursement for the expenditures authorized herein; provided further, that the commissioner of said division shall report to the joint committee on health care every 60 days following the enactment of this act on the steps taken to obtain necessary federal approvals; and provided further, that no expenditure shall be made from this item until the comptroller has certified to the receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act	\$1,500,000
	Tobacco Settlement Fund	100.0%

Division of Health Care Finance and Policy.

4100-0060 For the operation of the division and the administration of the

uncompensated care pool established pursuant to chapter 118G of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G of the General Laws for the estimated expenses of the division shall be made pursuant to the provisions of section 242 of this act; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the division of medical assistance, shall not promulgate any increase in Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that the division shall share financial data and expertise about the Massachusetts health care industry with the Massachusetts Institute for Social and Economic Research for the purpose of enhancing, developing and marketing data products for the public; provided further, that the division and the institute shall share any revenue generated through sale, licensure, royalty, and usage fees charged for said data products; and provided further, that, not later than February 24, 2000, the division shall submit to the comptroller and to the house and senate committees on ways and means a report describing the method by which the division shall generate revenues through said sale, licensure, royalty, and usage fees in an amount sufficient to meet 25 per cent of the

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	projected costs of the division in any fiscal year, as required by section 612 of chapter 151 of the acts of 1996. . . .	\$8,483,405
4100-0061	The division of health care finance and policy may expend an amount not to exceed \$500,000 from federal financial participation generated by administrative expenditures of the division for the Medicaid program pursuant to Title XIX of the Social Security Act; provided, that said division may make expenditures from this item upon certification by the office of the comptroller that the collection of not less than \$3,700,000 from said federal financial participation has been achieved for two quarters in fiscal year 2000; and provided further, that not less than \$3,700,000 from said federal financial participation shall be deposited in the general fund	\$500,000
	<i>Massachusetts Commission for the Blind.</i>	
4110-0001	For the office of the commissioner and bureau of research; provided, that amounts appropriated to the department in fiscal year 2000 that extend or expand services beyond the level of services provided in fiscal year 1999 shall not annualize above said amounts in fiscal year 2001; and provided further, that \$410,000 shall be held in reserve for rental increases and available for expenditure only in the GG subsidiary, so-called, and shall not be transferred to any other subsidiary	\$1,024,492
4110-1000	For the community services program; provided, that the commission shall extend services beyond the level of services provided in fiscal year 1998, including, \$100,000 for after-school programming for children deemed to be clients of said commission, \$112,500 for respite services for such children and \$225,000 for assistive technology devices for clients of the commission; provided further, that not less than \$400,000 shall be expended for the talking information center; and provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth	\$3,611,086
4110-1010	For aid to the adult blind; provided, that funds may be expended from this item for burial expenses incurred in the prior fiscal year	\$8,369,809
4110-1020	For eligibility determination for the medical assistance	

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- program for the blind; provided, that the commission is hereby authorized and directed to work with the division of medical assistance, the department of mental retardation and other state agencies to maximize federal reimbursement for clients so determined through this item, including, but not limited to, reimbursement for home and community-based waiver clients \$418,387
- 4110-2000 For the turning 22 program of the commission, including \$320,000 for increased services to multi-disabled clients of the commission; provided, that nothing stated in this item shall be construed to give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services \$7,055,037
- 4110-2001 For services to clients of the department who turn 22 years of age during state fiscal year 2000; provided, that the amount appropriated herein shall not annualize to more than \$646,443 in fiscal year 2001; provided further, that nothing stated in this item shall be construed to give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services \$430,000
- 4110-3010 For a program of vocational rehabilitation for the blind in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grants or state appropriation shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees; provided further,

that \$163,000 of the amount appropriated herein shall be obligated for the purpose of mitigating inequitable reimbursement rates for the Carroll Center for the Blind; provided further, that not less than \$950,000 shall be expended for technological adaptations to increase vocational opportunities for the blind; and provided further, that not less than \$350,000 shall be expended for additional technological adaptations to increase vocational opportunities for the blind \$2,779,108

4110-4000 For the administration of the Ferguson Industries for the blind; provided, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees; provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be remitted to the general fund; and provided further, that \$35,000 shall be expended on a 5 per cent cost of living adjustment to the blind workers in the workshop \$1,698,152

Massachusetts Rehabilitation Commission.

4120-1000 For the operation of the commission; provided, that the commissioner shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the number of clients served and the amount expended on each type of service; provided further, that upon the written request of the commissioner of the department of revenue, said commissioner shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; provided further, that said lists shall include client names and social security numbers and payee names and other identification, if different from a client's; and provided further, that amounts appropriated in items of this department that extend or expand services beyond the level of services provided in fiscal year 1999 shall not annualize above said amounts in fiscal year 2001 \$366,692

4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from

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	the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees; and provided further, that not less than \$155,000 shall be expended on special vocational projects in Charlestown	\$7,408,666
4120-3000	For employment assistance services; provided, that vocational evaluation and employment services for severely physically disabled adults may, subject to appropriation, be provided; and provided further, that not less than \$150,000 be expended for the Charlestown navy yard special project for physically disabled adults	\$8,841,270
4120-4000	For independent living assistance services; provided, that the commission shall extend services beyond the level of services provided in fiscal year 1998, including, \$900,000 for additional services provided through independent living centers, so-called; provided further, that not more than \$618,000 shall be expended for assistive technology devices and training for individuals with severe disabilities; provided further, that \$100,000 shall be obligated for the SHARE foundation at the University of Massachusetts; and provided further, that not less than \$400,000 shall be expended for the Turning 22 program of the commission	\$6,716,950
4120-4001	For the housing registry for the disabled	\$100,000
4120-5000	For homemaking services	\$4,588,569
4120-5050	Notwithstanding any general or special law to the contrary, the Massachusetts rehabilitation commission may expend an amount not to exceed \$2,000,000 for expanded services from federal reimbursements received for home care assistance services provided by the commission; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate reported in the state accounting system; and provided further, that the commission shall submit a report to the house and senate committees on ways and means not later than February 3, 2000, detailing the use of	

- any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased and the annualized impact of said expenditures in the subsequent fiscal year \$2,000,000
- 4120-6000 For head injured services; provided, that the commission is hereby authorized and directed to work with the division of medical assistance to maximize federal reimbursement for clients receiving head injured services; and provided further, that not less than \$50,000 shall be expended for the Cape Cod head injury program \$6,785,820
- 4120-6001 For the additional expenses of providing head injured services; provided, that the commission shall expend not more than \$250,000 to provide recurring residential services on a 24-hour basis to persons with severe head injuries in western Massachusetts; provided further, that the remaining funds not obligated to said western Massachusetts services shall be expended solely for the cost of non-recurring services to the head injured; provided further, that said remaining funds shall not be used to supplant existing services provided under item 4120-6000; provided further, that all unexpended funds from this item shall revert to the Head Injury Treatment Services Trust Fund; provided further, that the commission shall perform outreach and provide information to the courts of the commonwealth regarding services provided through this item and the various revenue sources which fund the Head Injury Treatment Services Trust Fund; and provided further, that the commission shall report quarterly to the house and senate committees on ways and means and the secretary on administration and finance on the balance of the Head Injury Treatment Services Trust Fund and on the balance of said fund from the corresponding quarter of the prior fiscal year \$750,000
- Head Injury Treatment Services Trust Fund . . . 100.0%
- 4120-6002 The commission is hereby authorized to expend an amount not to exceed \$2,000,000 from fees collected pursuant to section 20 of chapter 90 of the General Laws for rehabilitation services for head injured persons; provided, that the commission shall report to the house and senate

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committees on ways and means not later than January 31, 2000, detailing the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased, and the annualized impact of said expenditures in the subsequent fiscal years; provided further, that all unexpended funds from this item shall revert to the Head Injury Treatment Services Trust Fund; and provided further, that funds appropriated herein shall not be used to supplant existing services provided under item 4120-6000. . . . \$2,000,000
Head Injury Treatment Services Trust Fund . . . 100.0%

Massachusetts Commission for the Deaf and Hard of Hearing.

- 4125-0100 For the operation of and services provided by the Massachusetts commission for the deaf and hard of hearing; provided, that the commission shall expand services beyond the level of such services provided in fiscal year 1998, including, \$100,336 for the case management of children deemed eligible for such services from said commission, \$50,000 for assistive technology devices, \$525,000 for independent living services, so-called, and \$1,050,000 for interpreter and CART services, so-called; provided further, that a systems analyst and a personnel director be funded from this item; and provided further, that amounts appropriated in items of this department that extend or expand services beyond the level of services provided in fiscal year 1999 shall not annualize above said amounts in fiscal year 2001 \$5,501,325
- 4125-0101 Notwithstanding the provisions of any general or special law to the contrary, the commission for the deaf and hard of hearing may expend revenues in an amount not to exceed \$105,000 from charges received on behalf of interpreter services and monies received from private grants, bequests, gifts or contributions; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$105,000

Office of Child Care Services.

4130-0001	For the administration of the office of child care services pursuant to section 239 of chapter 43 of the acts of 1997; provided, that said office shall issue monthly reports detailing the number and average cost of voucher and contracted child care slots funded from items 4130-3200, 4130-3300, 4130-3400, 4130-3500, 4130-3600 and 4130-3700 by category of eligibility in accordance with the provisions of section 322 of this act; provided further, that said report shall include the number of recipients subject to the provisions of subsection (f) of section 110 of chapter 5 of the acts of 1995 funded under items 4130-3200 and 4130-3700 that qualify for federal funding through the transitional aid to needy families fund; provided further, that the office shall administer the child care resource and referral system; provided further, that nothing contained herein shall be construed as limiting the office's authority to issue variances or grant licenses or certificates on a probationary basis as provided in 102 CMR 8.00 as in effect on May 28, 1993; provided further, that notwithstanding the provisions of any general or special law to the contrary, said office is hereby authorized and directed to perform post-audit reviews on a representative sample of the income-eligibility determinations performed by vendors receiving funds from items 4130-3200 and 4130-3300; provided further, that said office shall report quarterly to the house and senate committees on ways and means and secretary of administration and finance on the error rate, if any, in income-eligibility determinations calculated by said post audit reviews and on the unduplicated number of children on waiting lists for state subsidized child care; and provided further, that no funds from this item shall be expended for the DD subsidiary costs, so-called, of the children's trust fund	\$2,394,261
4130-0002	For the administration of the Children's Trust Fund	\$962,933
4130-0005	For field operations licensing; provided, that no funds from this item may be expended for family support services; and provided further, that said office generate not less than \$763,000 to be deposited in the general fund from licensing fees and the sale of child care lists	\$6,657,660

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- 4130-1000 For statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the children's trust fund; provided, that such services shall be made available statewide to all parents under the age of 20 years within the amount appropriated herein \$11,151,720
Transitional Aid To Needy Families Fund 100.0%
- 4130-1001 For expansion of the statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns established in item 4130-1000 of section 2; provided, that such services shall be made available statewide to all parents under the age of 21 years but ineligible for services under item 4130-1000 of section 2, within the amount appropriated herein; provided further, that the annualized cost of said expansion shall not exceed \$8,000,000 in fiscal year 2001 nor \$10,000,000 in fiscal year 2002; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act \$5,000,000
Tobacco Settlement Fund 100.0%
- 4130-2998 For one-time child care quality expenditures; provided, that not less than \$1,224,977 shall be expended for activities to increase the supply of quality child care for infants and toddlers; provided further, that not less than \$459,015 shall be expended for resource and referral and school-age child care activities; provided further, that not more than \$250,000 may be expended for a market rate survey, so-called; provided further, that funds may be used for one time information technology costs; provided further, that the office of child care services shall submit a report detailing plans for and the operating costs associated with said one-time expenditures not later than December 1, 1999; provided further, that no funds from this item shall be used to fund capital assets or equipment for for-profit providers or agencies; provided further, that the commissioner of the office of child care services shall

	submit written certification to the secretary of administration and finance and the house and senate committees on ways and means that all planned expenditures and allocations from this item shall have no fiscal impact beyond fiscal year 2000; and provided further, that no funds may be expended, obligated or transferred from this item prior to the submission of said certification	\$3,498,067
	Child Care Fund	100.0%
4130-3100	For the regional administration of child care programs and related child care activities; provided, that said activities shall include, but not be limited to, voucher management, child care provider training, resource and referral for children with disabilities in child care programs, community-based programs that provide direct services to parents, and coordination of waiting lists for state-subsidized child care; provided further, that not less than \$650,000 shall be expended through child care resource and referral programs for child care provider training; provided further, that not less than \$190,000 shall be expended to provide child care services for children with disabilities in child care programs; and provided further, that no funds shall be expended from this item for AA subsidiary payroll expenses, so-called	\$12,071,940
	Child Care Fund	100.0%
4130-3200	For the employment services voucher and contracted child care program; provided, that the employment services child care program shall be available for recipients of benefits provided under the program of transitional aid to families with dependent children and the absent parents of said recipients; provided further, that child care funded from this item shall be available to former recipients of transitional aid to families with dependent children who are working for up to one year after termination of their transitional aid to families benefits due to their employment; provided further, that child care slots shall be distributed geographically in a manner which provides fair and adequate access to child care for all eligible individuals; provided further, that not less than \$500,000 shall be expended for eligible participants in the full	

employment program established by subsection (i) of section 110 of chapter 5 of the acts of 1995; provided further, that the office is hereby authorized to provide child care benefits to certain other former transitional aid to families with dependent children recipients who are participating in education or training in compliance with regulations promulgated by the department of transitional assistance; provided further, that all child care providers that are part of a public school system shall be required to accept from recipients child care vouchers provided through this appropriation; provided further, that \$495,000 shall be expended by the department of transitional assistance for the provision of 100 child care slots for children in the transitional aid to families with dependent children program who are in the custody and care of grandparents due to the incapacity or absence of the parents; and provided further, that the department is hereby authorized to provide child care benefits to parents currently enrolled in a job training program who are under the age of 18 and who would qualify for benefits under the provisions of chapter 118 of the General Laws but for the deeming of the grandparents' income \$99,243,124

Transitional Aid to Needy Families Fund	37.37%
General Fund	36.93%
Child Care Fund	25.70%

4130-3300 For the provision of income eligible child care contract and voucher slots; provided, that the amount expended for contracted child care slots in fiscal year 2000 shall not be less than the amount expended for said slots in fiscal year 1999; provided further, that up to \$64,000 shall be expended for feasibility and design activities to assess the probability of opening and operating a child care center at the Gallagher intermodal transportation center, so-called; provided further, that prior to January 14, 2000, the commissioners of the office of child care services and the department of transitional assistance shall report to the house and senate committees on ways and means and the executive office of administration and finance the amount of any projected surplus in items 4403-2000, 4403-2002 and 4403-2013 and shall issue a joint recommendation to

the house and senate committees on ways and means and the executive office of administration and finance regarding the transfer of any portion of such surplus to this item; provided further, that said recommendation shall include an estimate of the number of child care slots funded by any proposed transfer, the annualized impact of any such transfer, the impact on the commonwealth's ability to meet federal financial requirements and the effects, if any, of cost containment efforts implemented in the administration of income eligible child care programs; provided further, that nothing herein shall authorize said transfer; provided further, that prior to January 3, 2000, the commissioner of office of child care services shall report to the house and senate committees on ways and means and the executive office of administration and finance on the amount of funding from this item deemed to be non post-transitional expansion, so-called; provided further, that the annualized cost of said expansion in fiscal year 2001 shall not exceed 150 per cent of the value of said expansion in fiscal year 2000; and provided further, that not less than one-half of the expansion slots identified by said report shall be made available prior to January 1, 2000 \$158,898,769

Child Care Fund	54.50%
Transitional Aid to Needy Families Fund	45.14%
General Fund	0.36%

4130-3400 For the provision of child care services to the children of: (a) teen parents attending high school and receiving transitional aid to families with dependent children benefits pursuant to subsection (i) of section 110 of chapter 5 of the acts of 1995; (b) teen parents receiving supplemental security income payments who participate in school, education, work and training-related activities or a combination thereof and whose dependent children receive said aid; and (c) teen parents who participate in school, education, work and training related activities or a combination thereof and who are at risk of becoming eligible for transitional aid to families with dependent children benefits; provided, that the office of child care services, in consultation with the department of transitional assistance and the department of social services, shall allocate from this item funds

sufficient to ensure the priority of provision of child care services first to children of teen parents in clause (a), then clause (b), and lastly, clause (c); provided further, that nothing in this item shall be construed to give rise to enforceable legal rights or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to regulations promulgated for the transitional aid to families with dependent children program; and provided further, that all teens eligible for year-round full-time child care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations promulgated for said program of transitional aid, whether or not such teens are recipients of benefits under said program of transitional aid. . . \$10,938,008

4130-3500 For the provision of trial court child care services; provided, that \$127,065 shall be expended for child care services in the Roxbury trial court; provided further, that \$152,340 shall be expended for child care services in the Springfield trial court; provided further, that \$97,301 shall be expended for child care services in the West Roxbury trial court; provided further, that \$254,960 shall be expended for child care services in the Middlesex trial court; provided further, that \$175,000 shall be expended for child care at Dorchester district court; provided further, that \$175,000 shall be expended for trial court child care in Lawrence; provided further, that \$250,000 shall be expended for child care at the Suffolk county court complex; provided further, that not less than \$175,000 shall be expended for child care services in the Fall River trial court; provided further, that \$200,000 shall be expended for child care services in the Chelsea trial court; and provided further, that \$300,000 shall be expended for child care services in the Brockton trial court \$1,906,666

4130-3600 For supportive child care associated with the family stabilization program; provided, that funds from this item shall only be expended for child care costs of children with active cases at the department of social services; and provided further, that no funds shall be expended for "extended vouchers", so-called \$45,469,536

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	Child Care Fund	95.46%
	Social Services Program Fund	2.34%
	General Fund	2.20%
4130-3700	For the provision and management of the informal child care program; provided, that not more than \$2.00 per child per hour shall be paid for such services	\$19,071,402

Massachusetts Soldiers' Home.

4180-0100	For the maintenance and operation of the Soldiers' Home in Massachusetts located in the city of Chelsea, including a specialized unit for the treatment of Alzheimer's disease patients; provided, that not less than \$31,000 shall be expended for the purposes of providing psychiatric services to the residents and patients at said Soldiers' Home	\$19,991,419
4180-1100	The Soldiers' Home in Massachusetts located in the city of Chelsea may expend revenues up to a maximum of \$132,000 for facility maintenance and patient care, including personnel costs; provided, that 60 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws, through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with said license plates, shall be deposited into and for the purposes of this retained revenue account of said Soldiers' Home; and provided further, that notwithstanding the provisions of any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home in the city of Chelsea may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued	\$132,000

Holyoke Soldiers' Home.

4190-0100	For the maintenance and operation of the Soldiers' Home, located in Holyoke, including the adult day care program; provided, that not less than \$111,280 shall be expended to expand dental clinic hours to 40 hours per week	\$14,819,744
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4190-0102 The Soldiers' Home in Holyoke may expend for the outpatient pharmacy program an amount not to exceed \$33,120 from co-payments charged to users of said program; provided, that the rates of said co-payments and the procedures for the administration thereof shall annually be determined by the superintendent of said Soldiers' Home and approved by the secretary of health and human services; and provided further, that notwithstanding the provisions of any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$33,120

4190-1100 The Soldiers' Home in Holyoke may expend revenues up to a maximum of \$88,000 for facility maintenance and patient care, including personnel costs; provided, that 40 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws, through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with said license plates, shall be deposited into and for the purposes of this retained revenue account of the Soldiers' Home in Holyoke; and provided further, that notwithstanding the provisions of any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home in Holyoke may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued \$88,000

Department of Youth Services.

4200-0010 For the administration of the department of youth services; provided, that the department shall submit a report to the house and senate committees on ways and means not later than February 1, 2000, detailing the caseload for all

	department programs funded in items 4200-0100, 4200-0200 and 4200-0300; provided further, that said report shall delineate said caseload by area, gender and program; provided further, that said report shall include capacity by area, gender and program; provided further, that said report shall also include a recidivism rate analysis of youths remanded to the custody of the department by area, gender, and program; and provided further, that said report shall include data from fiscal year 1990 to fiscal year 1999, inclusive	\$4,131,389
4200-0100	For supervision, counseling, and other community-based services provided to committed youths in non-residential care programs of the department; provided, that the commissioner is hereby authorized to transfer up to 5 per cent of the amount appropriated herein to items 4200-0200 and 4200-0300 of section 2; and provided further, that 30 days before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer	\$20,045,347
4200-0200	For pre-trial detention programs, including purchase-of-service and state-operated programs; provided, that the commissioner is hereby authorized to transfer up to 5 per cent of the funds appropriated herein to items 4200-0100 and 4200-0300 of section 2; provided further, that 30 days before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer	\$11,650,692
4200-0300	For secure facilities, including purchase-of-service and state-operated programs incidental to the operations of said facilities; provided, that the commissioner is hereby authorized to transfer up to 3 per cent of the amount appropriated herein to items 4200-0100 and 4200-0200; provided further, that 30 days before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate	

committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer; and provided further, that when the department places a committed youth in a non-contracted program or facility, the department shall give priority to making such placements with providers of such services located and organized to do business in the commonwealth over out-of-state providers \$75,055,742

4200-5150 For a subsidy for the Boston University residential charter school located in Granby; provided, that the funds appropriated herein shall be expended solely as tuition for youths in the custody of the department of youth services, department of social services and the department of mental health; provided further, that if the costs incurred in fiscal year 2000 by said school for the provision of services to such youths are less than the amount appropriated herein, said school shall refund the difference to the commonwealth; provided further, that the annualized cost of this item shall not exceed \$1,000,000 in fiscal year 2001; provided further, that said school shall submit a report to the house and senate ways and means committees documenting the total number of youths attending said school and the number of youths placed by each of said departments; and provided further, that said report shall be submitted no later than March 1, 2000 \$1,000,000

4200-9999 For the payment of charges assessed to the department of youth services for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan and the group insurance commission extended leave chargeback, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2000, all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of youth services, with the approval of the secretary of administration and finance, may transfer from said DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house

and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers' compensation, unemployment insurance, Medicare taxes, health security plan and the group insurance commission extended leave chargeback are less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established in sections 1A and 1B; and (4) that the department has not expended any funds for the payment of workers' compensation, unemployment insurance, Medicare taxes, health security plan and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein\$840,624

Department of Transitional Assistance.

4400-1000 For the central administration of the department, including the development and maintenance of automated data processing systems and services in support of department operations and for the administration of department programs in local transitional assistance offices including the expenses of operating a food stamp program; provided, that \$500,000 shall be expended on a food stamp outreach program; provided further, that during fiscal year 2000 the department shall maintain two transitional assistance offices in the city of Springfield; provided further, that all costs associated with verifying disability for all programs of the department shall be paid from this item; provided further, that associated expenses of employees whose AA subsidiary payroll costs, so-called, are paid from item 4400-1100 of section 2 shall be paid from this item; provided further, that the DD subsidiary costs, so-called, shall be paid from item 4400-9999; provided further, that the AA subsidiary payroll costs, so-called, for such em-

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ployees shall not be paid from this item; provided further, that the department shall collect all out-of-court settlement restitution payments, so-called; provided further, that said restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing the total amount of fraudulently obtained benefits identified by the bureau of special investigations of the department of revenue, the total value of said settlement restitution payments, actual monthly collections and any circumstances that produce shortfalls in said collections; provided further, that notwithstanding the provisions of any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements, other than transitional aid to needy families funds, received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for fiscal year 2000 and prior fiscal years, shall be credited to the general fund; provided further, that the department shall submit on a monthly basis to the house and senate committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, public assistance caseloads and benefits; provided further, that said report shall comprehensively track statewide use of the emergency assistance program by eligibility category including, but not limited to, caseload, average length of use or stay and monthly expenditures; and provided further, that no funds shall be expended from this item for the compensation of unit eight employees, so-called \$76,588,182

General Fund 66.0%

Transitional Aid To Needy Families Fund 34.0%

4400-1025 For domestic violence specialists at local area offices \$200,000

4400-1100 For AA subsidiary payroll, so-called, of the department's caseworkers, so-called; provided, that only employees of bargaining unit eight, so-called, shall be paid from this item; and provided further, that any other expenses associated with said employees shall be paid from items 4400-1000 and 4400-9999 \$57,639,218

General Fund	66.0%
Transitional Aid To Needy Families Fund	34.0%
4400-9999 For the payment of charges assessed to the department of transitional assistance for the payment of workers' compensation, unemployment insurance, Medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2000, all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of transitional assistance, with the approval of the secretary of administration and finance, may transfer from said DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers' compensation, unemployment insurance, Medicare taxes, health security plan and the group insurance commission extended leave chargeback are less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established in sections 1A and 1B; and (4) that the department has not expended any funds for the payment of workers' compensation, unemployment insurance, Medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein	\$1,302,375
General Fund	66.0%
Transitional Aid To Needy Families Fund	34.0%

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- 4401-1000 For a program to provide employment and training services for recipients of benefits provided under the program of transitional aid to families with dependent children and the absent parents of said recipients; provided, that certain parents who have not yet reached the age of 18 years, including those who are ineligible for transitional aid to families with dependent children, and who would qualify for benefits under the provisions of chapter 118 of the General Laws, but for the deeming of the grandparents' income, shall be allowed to participate in the employment services program; provided further, that the department may allocate funds from this item to other agencies, including community colleges in the commonwealth, for the purposes of the employment services program; provided further, that no funds from this item shall be expended for child care or informal child care; provided further, that \$300,000 shall be expended for the Parent's Fair Share program operated by Spectra Management Services Corporation, Inc., of Springfield; provided further, that \$3,944,690 shall be expended for young parent programs; provided further, that not less than \$250,000 shall be expended for job training and job placement services for homeless individuals statewide through the MASS CAN program; provided further, that the payments for the costs of transportation to an approved activity by means other than public transportation or private automobile shall be permitted only when transportation by public means or private automobile is not reasonably available and affordable, and shall be subject to reasonable maximums determined by the department; provided further, that the annualized value of the programs funded in this item shall not exceed in fiscal year 2001 the amount appropriated herein; and provided further, that the department shall notify the house and senate committees on ways and means of all allocations made from this item \$24,704,739
- Transitional Aid To Needy Families Fund 56.50%
- General Fund 43.50%
- 4401-1001 For a reserve to fund additional services for recipients of the transitional aid to families with dependent children program; provided, that funds from this item shall be

expended on former recipients of said program for up to one year after termination of their benefits due to employment or the provisions of subsection (f) of section 110 of chapter 5 of the acts of 1995; provided further, that the department may use funds from this item to fund intensive case management efforts for said recipients that may include, but need not be limited to, ongoing family support, community-based referrals, domestic violence referrals, substance abuse referrals, emergency assistance, job search assistance, technical assistance and other social service referrals; provided further, that up to \$2,000,000 may be obligated for mentoring programs, including up to \$250,000 for a mentoring program in Hampshire county; provided further, that up to \$4,000,000 may be spent on community college scholarships for degree programs and for other certified post-secondary educational programs; provided further, that funds from this item may be expended for employment and training courses, re-employment services, job retention services, structured subsidized employment services, adult basic education, graduate equivalency degree courses or English as a second language courses; provided further, that funds from this item may be spent on emergency work-related expenses for said recipients, including emergency transportation costs; provided further, that up to \$5,000,000 may be expended for additional transportation services, including public transportation services; provided further, that said department may expend up to \$2,000,000 of the funds appropriated herein for the development of a system of skills assessments; provided further, that said assessments shall be conducted for non-exempt recipients without a high school degree or a graduate equivalency degree or proficiency in English within 90 days of being approved to receive cash assistance and again, not later than 90 days prior to the termination of benefits at the end of the 24 month period of eligibility; provided further, that said assessments may determine reading levels, math levels, English proficiency, and work history; provided further, that said assessment may determine if recipients face other significant barriers to employment including, but not

limited to, disabilities, child behavioral problems, substance abuse, domestic violence, or housing instability; provided further, that said assessments may recommend resources available to such recipients that remediate said barriers and afford the opportunity to obtain further education or linguistic proficiency; provided further, that no funds shall be expended from this item for cash assistance; provided further, that nothing in this item shall be construed to give rise to enforceable legal rights in any party or an enforceable entitlement to services; provided further, that said department shall provide a status report on fiscal year 2000 expenditures to date and anticipated remaining fiscal year 2000 expenditures from this item to the house and senate committees on ways and means no later than February 1, 2000; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to transfer any unexpended balance remaining in this item at the close of the fiscal year to the Caseload Increase Mitigation Fund, established by section 2NN of chapter 29 of the General Laws \$15,000,000

4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding the provisions of any general or special law to the contrary, benefits from this item shall be paid only to citizens of the United States and to noncitizens for whom federal funds may be used to provide benefits; provided further, that the need standard shall be equal to the standard in effect in fiscal year 1989; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995 shall be 2¾ per cent below the payment standard in effect in fiscal year 1995, pursuant to the provisions of the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify all teen parents receiving benefits from said program of the requirements found in clause (2) of subsection (i) of said section 110 of said

chapter 5; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program as of September, 1999; provided further, that said children's clothing allowance shall be included in the standard of need for the month of September, 1999; provided further, that benefits under this program shall not be available to those families whose child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding the provisions of section 2 of chapter 118 of the General Laws or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the three-month period following such month of payment, and who, if such child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that not less than \$308,074 shall be expended for the purposes of the operation of the transportation assistance program operated by the travelers aid society of Boston; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that the department of transitional assistance shall study the policy and fiscal impacts of providing homeless families, whose benefits are reduced because they reside in shelters, a relocation benefit for

expenses related to securing permanent housing equal to the amount by which benefits were reduced while they were in shelter or the amount provided by department regulations as of April 29, 1999 for said purposes, whichever is greater; provided further, that the study shall be submitted to the house and senate committees on ways and means not later than March 1, 2000; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that child support payments collected pursuant to Title IV-D of the Social Security Act, not to exceed an amount of \$30,180,346, shall be credited to this account and may be expended without further appropriation for the purposes of this program; provided further, that in promulgating, amending, or rescinding its regulations with respect to eligibility for, or levels of, benefits under said program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer any unexpended balance remaining in this item at the close of the fiscal year to the Caseload Increase Mitigation Fund, established by section 2NN of chapter 29 of the General Laws

\$267,769,142

General Fund 51.0%
Transitional Aid To Needy Families Fund 49.0%

4403-2002 For a program of supplemental transitional aid to families with dependent children pursuant to the provisions of section 210 of chapter 43 of the acts of 1997; provided, that benefits under this item shall be provided only to persons who are not citizens of the United States, and for whom, pursuant to section 401, 402 or 403 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. section 1611, 1612 or 1613, federal funds may not be used to provide benefits pursuant to chapter 118 of the General Laws, but who are qualified

aliens within the meaning of section 431 of said Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. section 1641 or are otherwise permanently residing in the United States under color of law; provided further, that the number of assistance units receiving benefits funded from this item at any one time shall not exceed the number of assistance units comprised of qualified aliens or persons permanently residing under color of law which were receiving benefits provided under item 4403-2000 of chapter 151 of the acts of 1996 on June 1, 1997, plus 640 assistance units; provided further, that notwithstanding the provisions of any general or special law or of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 1989; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995 shall be 2¾ per cent below the payment standard in effect in fiscal year 1995; provided further, that the department shall notify all teenage parents receiving benefits from said program of the requirements found in clause 2 of subsection (i) of said section 110 of said chapter 5; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program as of September, 1999; provided further, that said children's clothing allowance shall be included in the standard of need for the month of September, 1999; provided further, that benefits under this program shall not be available to those families whose child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse, nor to adult recipients otherwise eligible for supplemental transitional aid to families with dependent

children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding the provisions of section 2 of chapter 118 of the General Laws or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the months such payments are to be made or within the three-month period following such month of payment, and who, if such child had been born and was living with her in the month of payment, would be categorically and financially eligible for supplemental transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that the department of transitional assistance shall study the policy and fiscal impacts of providing homeless families whose benefits are reduced because they reside in shelters a relocation benefit for expenses related to securing permanent housing equal to the amount by which benefits were reduced while they were in shelter or the amount provided by department regulations as of April 29, 1999 for said purposes, whichever is greater; provided further, that the study shall be submitted to the house and senate committees on ways and means not later than March 1, 2000; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; and provided further, that in promulgating, amending, or rescinding its regulations with respect to eligibility for, or levels of, benefits under said program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation \$5,541,897

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- 4403-2013 The department may expend an amount not to exceed \$30,180,346, in accordance with the provisions of items 4403-2000 of section 2, accrued from the child support payments collected pursuant to Title IV-D of the Social Security Act, for the purposes of the program of transitional aid to families with dependent children \$30,180,346
- 4403-2110 For expenses of the emergency assistance program directly attributable to rent liability; provided, that no funds shall be expended for heat or utility arrearages, so-called; provided further, that the department may provide limited related services in the event of a disaster as defined by regulations promulgated by the department; provided further, that said services shall be defined as payments for advance rent, security deposits, sheltering, housing search, food, clothing and housing supplies; provided further, that in promulgating, amending, or rescinding regulations with respect to eligibility or benefits under said program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding the provisions of any general or special law or of this item to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that the department shall prepare and promulgate rules and regulations to prevent abuse in the emergency assistance program in items 4403-2110 and 4403-2120 of section 2; provided further, that said rules and regulations shall include, but not be limited to, a year to year cross check of recipients to determine if a person has received similar benefits in the previous 36 months; provided further, that if a person has utilized emergency assistance benefits more than once within 36 months, the department is hereby authorized and directed to place said person on a protective payment schedule for the entire period during

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which said person is receiving said benefits; provided further, that no advance payments shall be paid in fiscal year 2000; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States and shall not be provided to illegal or undocumented aliens; provided further, that nothing in this item shall be construed to give rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department or section 210 of chapter 43 of the acts of 1997; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item; and provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized herein \$12,195,850

Transitional Aid To Needy Families Fund	80.0%
General Fund	20.0%

4403-2119 For the provision of structured settings as provided in subsection (i) of section 110 of chapter 5 of the acts of 1995 for parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program \$5,344,136

4403-2120 For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters; (ii) transitional housing program; (iii) program to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education center for single mothers with children; (v) intake centers, so-called; (vi) hotel and motel payments on behalf of homeless families; and (vii) voucher shelters, so-called; provided, that families with income under 130 per cent of the federal poverty level, that would otherwise be eligible for family shelter emergency assistance but for their income, shall be so-called; provided further, that in promulgating, amending, or rescinding regulations with respect to eligibility or

benefits under said program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that the department may enter into an interagency service agreement with the department of housing and community development for a program to prevent homelessness; provided further, that not more than \$4,679,784 shall be expended for said program; provided further, that not less than \$26,959,160 shall be expended on contracted family shelters; provided further, that of the amount authorized for said contracted family shelters, not less than \$901,879 shall be expended for the Hyannis Safe Harbor shelter, so-called; provided further, that of the amount authorized for said contracted family shelters, not less than \$391,540 shall be expended for the operation of the emergency family shelter operated by Emmaus Inc. of Haverhill; provided further, that \$546,880 shall be expended by the Louison foundation of Brockton to operate a six-family homeless shelter; provided further, that the department shall enter into four contracts to provide transitional housing for homeless families; provided further, that not more than \$1,586,719 shall be expended on said transitional housing program; provided further, that not less than \$350,000 shall be expended for the purpose of a program to reduce homelessness for needy families in Barnstable, Dukes and Nantucket counties as provided in section 253 of chapter 60 of the acts of 1994; provided further, that at least as many shelter spaces as were provided for homeless families during fiscal year 1999 be made available in fiscal year 2000; provided further, that the winter shelters, so-called, be operated year-round; provided further, that \$104,148 shall be expended for a furniture donation pickup van; provided further, that \$49,999 shall be expended for self esteem Boston, so-called; provided further, that the department shall promulgate regulations to prevent abuse in the emergency assistance program in items 4403-2110 and 4403-2120 of section 2; provided further, that said rules and regulations shall include but not be limited to a year to year cross check of recipients to determine if a

person has received similar benefits in the previous 36 months; provided further, that if a person has utilized emergency assistance benefits more than once within 36 months, the department shall place said person on a protective payment schedule for the entire period during which said person is receiving said benefits; provided further, that no advance payments shall be paid in fiscal year 2000; provided further, that an otherwise eligible household shall be authorized for temporary emergency shelter even if that household has been authorized to receive a rental arrearage payment within the past 12 months; provided further, that an eligible household shall be sheltered within 20 miles of their home community, unless such household requests otherwise; provided further, that if no such shelter placement is available within 20 miles because of lack of vacancies, the household size or composition of such a homeless family, or the concerns of the department regarding the performance and administration of a particular shelter, said household shall be placed in the closest possible appropriate shelter beyond said 20 miles; provided further, that said household shall be transferred to an appropriate shelter within 20 miles of their community at the earliest possible date, unless the household requests otherwise; provided further, that placements made beyond the 20 mile limit shall be reported on a quarterly basis to the secretary of administration and finance, the joint committee on human services and elderly affairs, and the house and senate committees on ways and means; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized by this item; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States and shall not be provided to illegal or undocumented aliens; provided further, that notwithstanding the provisions of any general or special law or this item to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and

senate committees on ways and means and with the clerks of the house of representative and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that nothing in this item shall give rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department or section 210 of chapter 43 of the acts of 1997; and provided further, that nothing in the two preceding provisos shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item \$45,416,591

Transitional Aid to Needy Families Fund 57.0%

General Fund 43.0%

4404-1000 For a program of nutritional assistance in fiscal year 2000 to residents of the commonwealth who are qualified aliens within the meaning of section 431 of the personal responsibility and work opportunity reconciliation act of 1996 and non-citizens otherwise permanently residing under color of law in the United States; provided, that such a resident shall be eligible for such benefits only if such resident (1) is ineligible for federal food stamp benefits pursuant to the provisions of sections 401, 402 or 403 of said act, (2) would be eligible for federally funded food stamps, but for his citizenship status, and (3) has resided in the commonwealth for at least 60 days; provided further, that priority in the distribution of such benefits shall be given to persons who were receiving federally funded food stamps in fiscal year 1997 but were rendered ineligible for such benefits by operation of said sections 401, 402 or 403; provided further, that the benefit levels established for such program shall, to the extent feasible, replicate the equivalent levels in effect for the federal food stamp program as of June 30, 1997, but shall be reduced by a consistent percentage across all benefit levels to the extent necessary not to exceed the amounts appropriated herein; provided further, that such benefits may be distributed by

electronic benefit transfer to the extent such distribution does not jeopardize otherwise available federal funding or impede the effective distribution of such benefits; and provided further, that nothing in this item shall be construed to give rise to enforceable legal rights in any party or an enforceable entitlement to services, other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by said department consistent with this item \$8,460,369

4405-2000 For the state supplement to the Supplemental Security Income program for the aged and disabled, including a program for emergency needs for Supplemental Security Income recipients; provided, that the expenses of special grants recipients residing in rest homes, as provided in section 7A of chapter 118A of the General Laws, may be paid from this item; provided further, that the department, in collaboration with the division of medical assistance, is hereby authorized to fund an optional supplemental living arrangement category under the supplemental security income program that makes payments to persons living in assisted living residences certified pursuant to chapter 19D of the General Laws who meet the income and clinical eligibility criteria established by the department and said division; provided further, that said optional category of payments shall only be administered in conjunction with the Medicaid group adult foster care benefit; and provided further, that the expenses of a program to assist recipients of the program of emergency aid to the elderly, disabled and children in becoming eligible for said supplemental security income program may be paid from this item \$199,711,039

4406-3000 For the homelessness program to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide food, shelter, housing search, and limited related services to the homeless and indigent; provided, that the department may allocate funds to other agencies for the purposes of this program; provided further, that the department shall notify the house and senate committees on ways and means of all such allocations; provided further, that \$1,044,662 shall be expended for the health care for the homeless programs in

Boston, Worcester and Springfield, including not less than \$592,325 for the Boston health care for the homeless program; provided further, that not less than \$50,820 shall be expended for the provision of health services to the homeless and uninsured by primary care and mental health, Inc., located in the city of Lynn; provided further, that not less than \$266,062 shall be expended for our fathers house in Fitchburg; provided further, that not less than \$2,255,792 shall be expended for the Massachusetts housing and shelter alliance; provided further, that not less than \$716,984 shall be expended for the Middlesex shelter in Lowell; provided further, that not less than \$493,887 shall be expended for the Middlesex human service agency in the city of Waltham; provided further, that not less than \$90,707 shall be expended for the Boston rescue mission; provided further, that not less than \$302,018 shall be expended for the market ministries shelter in New Bedford; provided further, that not less than \$12,915,466 shall be expended for a contract with the pine street Inn located in the city of Boston; provided further, that \$200,000 shall be expended for a contract with the pine street Inn in the city of Boston for the purposes of a second nighttime van and the associated personnel costs; provided further, that not less than \$1,277,947 shall be expended for a contract with st. francis house for a comprehensive multi-service day treatment program for the homeless in the city of Boston; provided further, that not less than a total of \$5,918,018 shall be expended for the PIP shelter in Worcester, the daybreak shelter in Lawrence, the long island shelter in Boston, and the long island annex in Boston; provided further, that not less than \$270,816 shall be expended for the friends of the homeless shelter in Springfield; provided further, that \$544,233 shall be expended for the Cambridge salvation army; provided further, that not less than \$381,350 from this item shall be expended for a contract with servicenet, inc. to operate homeless shelters in Hampshire and Franklin counties; provided further, that notwithstanding the provisions of any general or special law to the contrary, \$180,996 shall be obligated for a contract with the SHADOWS project in

Natick, for the provision of shelter services to homeless women; provided further, that not less than \$676,634 shall be expended for the Quincy interfaith sheltering coalition; provided further, that not less than \$42,000 shall be expended for the samaritan inn homeless shelter in Westfield; provided further, that not less than \$229,713 shall be expended for a shelter operated by emmaus, inc. of Haverhill; provided further, that not less than \$127,009 shall be expended for the Marlborough shelter program, so-called; provided further, that \$149,401 shall be expended for the meadows program, so-called; provided further, that \$296,936 shall be expended for the turning point program, so-called; provided further, that not less than \$204,022 shall be expended for a contract with the Berkshire county chapter of the american red cross; provided further, that not less than \$90,000 shall be expended for a contract with the Mary E. Sargent house to provide transitional housing services to women and children; provided further, that not less than \$214,787 shall be expended for a contract with the Somerville homeless coalition; provided further, that not less than \$506,018 shall be expended for a contract with the housing assistance corporation in Hyannis; provided further, that not less than \$140,991 shall be expended for the project place day services program in the city of Boston; provided further, that not less than \$42,000 shall be expended for a contract with the Hyannis salvation army; provided further, that not less than \$60,000 shall be expended for a contract with the st. francis samaritan house in Taunton; provided further, that not less than \$75,176 shall be expended for a contract with mainspring house in Brockton; provided further, that an additional \$138,000 shall be expended for open pantry community services, Inc. in Springfield; provided further, that not less than \$206,586 shall be expended for shelter, inc.; provided further, that \$1,400,000 shall be expended to create programs with YMCA and YWCA organizations for not less than 200 transitional units; provided further, that the department shall develop, but not implement without further legislative authorization, a uniform class rate system for the cost

	effective delivery and reimbursements of said services pursuant to the provisions of section 284 of this act; and provided further, that at least as many shelter spaces as were provided for homeless families and individuals during fiscal year 1999 shall be made available in fiscal year 2000	\$33,563,270
4406-7000	For a homeless tracking system to be implemented pursuant to the provisions of section 307	\$200,000
4408-1000	For a program of cash assistance to certain residents of the commonwealth pursuant to chapter 117A of the General Laws, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for such aid, pursuant to regulations promulgated by said department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens, so-called, or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that a \$35 rent allowance, to the extent possible within the amount of this appropriation, shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support him or herself and which have been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission, to otherwise eligible students under age 21 who are regularly attending a full time grade, high school, technical or vocational school not beyond the	

secondary level and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under said separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility shall be eligible for benefits under this program unless said person otherwise meets the eligibility criteria described herein and defined by regulations of the department; provided further, that any person incarcerated in a correctional institution shall not be eligible for benefits under said program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall promulgate emergency regulations pursuant to chapter 30A of the General Laws to implement the changes to this program required by this act promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted herein at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending, or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits, and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated herein; provided further, that the department may promulgate emergency regulations pursuant to chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing herein shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that the secretary of health and human services shall report monthly to the house and senate committees on ways and

means for the preceding month on the number of persons applying for benefits under this program, by category, age, and disability, if any, and the number of persons receiving and denied benefits under this program by category, age and disability, if any; provided further, that reimbursements collected from the social security administration on behalf of former clients of the emergency aid to the elderly, disabled and children program, or unprocessed payments from said program that are returned to the department, not to exceed an amount of \$13,000,000 shall be credited to this account and may be expended without further appropriation for the purposes of this program; and provided further, that notwithstanding any general or special law to the contrary, the funds made available herein shall be the only funds available for said programs, and the department shall not spend funds for said program in excess of the amount made available herein \$48,991,026

Department of Public Health

4510-0100 For the operation of the department of public health; provided, that the position of assistant commissioner shall not be subject to chapter 31 of the General Laws; provided further, that \$25,000 shall be expended to provide publications on health care issues in alternative formats for the print disabled, including, but not limited to, braille or large print; provided further, that funds shall be expended for the weapons related injury surveillance system; and provided further that \$100,000 shall be expended for the purposes of section 366 of this act \$8,377,082

4510-0103 For the payment of charges assessed to the department for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, as classified by the comptroller; provided, that all funds appropriated herein shall be scheduled and expended in the DD subsidiary, so-called; provided further, that no funds from any other item of state appropriation available to the department except item 4590-0912 shall be used for said payments; provided further, that the department is hereby authorized to transfer up to 3 per cent

of the funds appropriated herein to items 4510-0104 and 4510-0105 in section 2; provided further, that no such transfer shall occur before May 1, 2000; provided further, that 30 days before any such transfer is made, said department shall file with the house and senate committees on ways and means a schedule of the amounts to be transferred and the reasons therefor; and provided further, that any such transfers shall not cause a deficiency in this item. . . . \$3,572,604

4510-0104 For the administrative expenses and chargebacks of the department made pursuant to the EE subsidiary, so-called, as classified by the comptroller; provided, that all funds appropriated herein shall be scheduled in the EE subsidiary, so-called; provided further, that no funds from any other item of state appropriation available to the department shall be used for said expenses and chargebacks; provided further, that the public health hospitals funded in items 4590-0908, 4590-0909, 4590-0910, 4590-0911 and 4590-0912, the center for laboratory and communicable disease control and the state laboratory funded in item 4516-1000, the nuclear safety assessment program funded in item 4510-0615, the drug registration and monitoring program funded in item 4510-0616, and the universal immunization program funded in item 4580-1000 shall not be subject to the provisions stated herein; provided further, that the department may transfer up to 3 per cent of the funds appropriated herein to items 4510-0103 and 4510-0105 in section 2; provided further, that no such transfer shall occur before May 1, 2000; provided further, that 30 days before any such transfer is made, said department shall file with the house and senate committees on ways and means a schedule of the amounts to be transferred and the reasons therefor; and provided further, that any such transfers shall not cause a deficiency in this item \$1,377,584

4510-0105 For the space and energy payments made by the department pursuant to the GG subsidiary, so-called, as classified by the comptroller; provided, that all funds appropriated herein shall be scheduled in the GG subsidiary, so-called; provided further, that no funds from any other item of state appropriation available to the department shall be used for

said payments; provided further, that the public health hospitals funded in items 4590-0908, 4590-0909, 4590-0910, 4590-0911 and 4590-0912, the center for laboratory and communicable disease control and the state laboratory funded in item 4516-1000, and the radiation control program funded in item 4510-0615 shall not be subject to the provisions stated herein; provided further, that the department is hereby authorized to transfer up to 3 per cent of the funds appropriated herein to items 4510-0103 and 4510-0104 in section 2; provided further, that no such transfer shall occur before May 1, 2000; provided further, that 30 days before any such transfer is made, said department shall file with the house and senate committees on ways and means a schedule of the amounts to be transferred and the reasons therefor; and provided further, that any such transfer shall not cause a deficiency in this item		\$3,247,293
4510-0110	For community health center services, including smoking cessation programs; provided, that \$225,000 shall be expended for the purpose of a provider loan repayment program at community health centers; and provided further, that the Codman Square health center shall receive in fiscal year 2000 no less than the amount obligated for said center in fiscal year 1999	\$1,237,238
General Fund		50.12%
Health Protection Fund		49.88%
4510-0150	For the managed care program at community health centers known as CenterCare established pursuant to section 24F of chapter 111 of the General Laws; provided further, that the department shall assist professional and nonprofit agencies dedicated to the advancement of the scope and nature of services delivered in communities and community health centers and to pursue available federal technical assistance funding; and provided further, that \$225,000 shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act at 42 USC 254c	\$4,022,654

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4510-0160	For expansion of community health center services partially funded in item 4510-0150 for the purpose of funding operating and information systems, public health services in minority communities, access to oral health services and to conduct research regarding populations and health needs served by community health centers; provided, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act	\$5,000,000
	Tobacco Settlement Fund	100.0%
4510-0600	For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists, and the administration of the division of environmental epidemiology and toxicology for the purpose of implementing certain provisions of chapter 470 of the acts of 1983, the "Right-to-Know" law, so-called; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that \$50,000 shall be obligated for a contract to provide an environmental risk assessment of the incidence of cancer in the town of Natick, including the costs of a public health nurse or epidemiologists; provided further, that the department may expend not more than \$150,000 to conduct a study on brain tumor/cancer, leukemia, non-Hodgkin lymphoma, lung and bronchus, liver and inflammatory bowel disease and Hodgkin disease in the towns of Rockland, Hingham, Weymouth and Abington; provided further, that not more than \$50,000 shall be expended for educational outreach programs in Essex county targeting individuals at risk of infection by Lyme disease; provided further, that not less than \$114,000	

shall be expended on the implementation of a program to manage the disposal of low-level radioactive waste in accordance with sections 7, 8, 11, 13 and 16 of chapter 111H of the General Laws; provided further, that no funds appropriated herein shall be expended for the purpose of siting or locating a low-level radioactive waste facility in the commonwealth; provided further, that not less than \$100,000 shall be expended for the purposes of research and prevention activities associated with lyme disease, so-called, to be conducted by the Barnstable county department of health and environment; provided further, that up to \$100,000 shall be expended for an environmental risk assessment at the Nyanza superfund site, so-called; provided further, that \$300,000 shall be expended for a contract to provide environmental risk assessment of the prevalence lupus and scleroderma in the South Boston section of the city of Boston, including the costs of performing medical and laboratory tests and examinations; provided further, that \$150,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to conduct an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a five mile radius of said airport and is potentially impacted by said airport; provided further, that said assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of said communities; provided further, that the bureau shall report its findings together with any recommended response actions by the commonwealth to the house and senate committees on ways and means and the joint committee on transportation not later than December 1, 1999; provided further, that not less than \$100,000 shall be expended for a study in 22 southeastern Massachusetts communities with the purpose of determining the extent to which health risks are associated with exposure to radiation from the Pilgrim nuclear power plant in the town of Plymouth; provided further, that \$140,000

shall be made available for an inter-departmental service agreement between the department of public health and the University of Massachusetts at Lowell to support research activities which investigate the association between ethnic diversity and childhood asthma incidence; provided further, that \$50,000 shall be expended for the department of public health to collaborate with the department of education to jointly review the delivery of the school breakfast program, so-called, and the women, infants and children program, so-called; provided further, that said review shall include, but not be limited to, evaluating the effectiveness of said programs, evaluating the nutritional value of the breakfast served, incidences of children suffering negative health effects due to lactose intolerance and any other negative health effects; and provided further, that following said review, said agencies shall summarize their findings and make recommendations on improving the effectiveness, including addressing any negative health effects of said programs in a report to be submitted to the clerk of the house of representatives, the clerk of the senate and to the chairmen of the joint committees on health care and education and arts not later than November 30, 1999 . . . \$4,138,065

4510-0615 The department may expend an amount not to exceed \$150,000 from assessments collected in accordance with section 5K of chapter 111 of the General Laws for services provided to monitor, survey and inspect nuclear power reactors; provided, that the department may expend revenues not to exceed \$1,137,027 from fees collected from licensing and inspecting users of radioactive material within the commonwealth under licenses presently issued by the nuclear regulatory commission; provided further, that said revenues may be used for the costs of both programs, including the compensation of employees; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further that the department shall

	report quarterly to the house and senate committees on ways and means the total amount of revenue collected, a ratio of revenue collected per employee, the total number of inspections and a ratio of inspections per employee	\$1,287,027
4510-0616	For a drug registration and monitoring program; provided, that the department may expend an amount not to exceed \$557,347 from revenues collected from a fee charged to registered practitioners, including physicians, dentists, veterinarians, podiatrists, and optometrists for controlled substance registration; provided further, that funds may be expended from this item for the costs of personnel; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.	\$557,347
4510-0617	For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of said nuclear power plant; provided, that the cost of said item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; provided further, that for the purposes of said item, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; and provided further, that the term electric companies shall not include municipalities or municipal light plants	\$91,500
4510-0710	For the operation of the division of health care quality; provided, that said division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded	

and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that not less than \$1,452,548 shall be expended for the hire of an additional 25 full time equivalent investigators to conduct investigations of abuse, neglect, mistreatment and misappropriation pursuant to section 51 and section 72H of chapter 111 of the General Laws; provided further, that said amount shall not be used for any purpose other than for the salaries of such additional investigators; provided further, that said division shall assign such additional investigators to perform their duties on staggered shifts which shall be established by said division to provide adequate coverage and shall include regular evening and weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when said duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for such investigations shall receive training by the medicaid fraud control unit of the office of the attorney general pursuant to a comprehensive training program to be developed by said division and said unit; provided further, that said division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations pursuant to said section 72H of said chapter 111, indicating for each such report, the time in which: (1) the division completed its investigation; (2) the division made an evaluation and determination of the validity of the report; and (3) made a referral of such report to the appropriate agency or agencies; and provided further, that if in any quarter said division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, said division shall include in said report an explanation as to the reasons therefor provided further, that said division shall include in such report a list of all instances of the

	payment of overtime for investigators and the justification therefor and in each quarter shall compare the overtime expenditures from this item with the overtime expenditures made in the corresponding quarter of fiscal year 1999	\$7,164,576
4510-0712	The department is hereby authorized to expend an amount not to exceed \$497,942 in revenues collected from the licensure of health facilities for program costs of the division of health care quality; provided, that the department is hereby further authorized to expend an amount not to exceed \$800,000 from revenues collected from individuals applying for emergency medical technician licensure and recertification; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system	\$1,297,942
4510-0750	For the determination of need program established pursuant to section 25C of chapter 111 of the General Laws	\$145,699
4510-0790	For regional emergency medical services; provided, that the regional emergency medical services councils, designated as such in accordance with 105 CMR 170.101 and the C-MED communications as of January 1, 1992, shall remain the designated councils and C-MEDs; and provided further, that not less than \$68,000 shall be made available for region I, not less than \$88,000 shall be made available for region II, not less than \$88,000 shall be made available for region III, not less than \$88,000 shall be made available for region IV, and not less than \$68,000 shall be made available for region V	\$400,000
	Local Aid Fund	100.0%
4510-0791	For the project to expand the coordination and provision of emergency medical services in the commonwealth known as EMS 2000, so-called; provided, that \$500,000 of the amount appropriated herein shall be made available as grants to the regional emergency medical services councils	

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for the coordination of emergency response services; provided further, that each such grant shall be \$100,000; provided further, that no funds from the remaining \$500,000 shall be allocated, transferred, or expended by the department until the plan required by this item has been submitted to the house and senate committees on ways and means; provided further, that said plan shall detail a comprehensive projection (1) for fiscal years 2000, 2001, and 2002 of all state, municipal and private funds necessary to meet the capital costs of upgrading existing emergency medical communication systems, (2) of the annualized costs to the commonwealth for additional resources to the five regional councils, and (3) of operating costs expected to be incurred by the commonwealth and municipalities for each stage of implementing said project; provided further, that said plan shall be filed not later than February 1, 2000; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act \$1,000,000

Tobacco Settlement Fund 100.0%

4510-0810 For a statewide sexual assault nurse examiner program, SANE, for the care of victims of sexual assault; provided, that the program shall operate statewide under specific protocols and by an on-call system of said nurse examiners established by the department \$900,000

4512-0103 For acquired immune deficiency syndrome prevention and treatment; provided, that not less than \$300,000 shall be expended for the operation of a pilot program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS; and provided further, that funding for AIDS prevention education in fiscal year 2000, shall not be less than the amount expended on said program in fiscal year 1999 \$51,776,175

General Fund 93.27%

Health Protection Fund 6.73%

4512-0104 For a reserve for unanticipated costs associated with the

HIV/AIDS drug assistance program administered by the department of public health; provided, that no funds shall be allocated or transferred to any other item, or expended from this item until the commissioner of public health, the secretary of health and human services, the state budget director, and the secretary of administration and finance certify in writing to the house and senate committees on ways and means that the amounts appropriated in item 4512-0103 are insufficient to meet the costs of said HIV/AIDS drug assistance program; provided further, that no funds shall be allocated, transferred, or expended from this item until the department submits to the secretary of administration and finance and the house and senate committees on ways and means a detailed caseload and cost-per-case estimate for said program; and provided further, that pilot programs established in fiscal year 1998 in support of HIV/AIDS drug assistance efforts shall not be funded from this item \$750,000

General Fund 98.0%

Health Protection Fund 2.0%

4512-0106 The department of public health may expend an amount not to exceed \$800,000 from revenues received from pharmaceutical manufacturers participating in the section 340B rebate program, so-called, administered by the federal health resources and services administration and office of drug pricing \$800,000

4512-0110 For rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals, and nursing homes for persons with acquired immune deficiency syndrome; provided, that the department may contract for the administration of said program; provided further, that the costs of said administrative contract shall not be expended from this item; provided further, that rents payable by tenants shall be not less than 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall be not less than 25 per cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded on June 30, 1991; and provided further, that

the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2000 that would fund units in excess of the number of units funded on June 30, 1999 \$118,800

4512-0200 For the administration of the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided further, that not less than \$200,000 shall be expended for the New Beginnings Program, so-called, a wellness program for middle school students addressing student substance abuse issues; provided, that not less than \$9,843,259 shall be expended for detoxification services, including not less than \$2,000,000 for detoxification beds targeted to homeless individuals; provided further, that not less than \$500,000 shall be expended for AIDS education for clients served by said program; provided further, that not less than \$615,000 shall be expended for the Celeste House; provided further, that not less than \$66,000 shall be expended for the "CASPAR" emergency service center, so-called, in the city of Cambridge; provided further, that not less than \$650,350 shall be expended for a contract with Sobriety Treatment, Education and Prevention, Inc., doing business as STEP, Inc.; provided further, that not less than \$350,000 shall be allocated to provide three pilot child care programs, one family day care system model and two on-site traveling models for the children of parents in ambulatory drug and alcohol treatment; provided further, that not less than \$500,000 shall be expended for the treatment and detoxification of intravenous drug users who test positive for HIV, so-called; provided further, that not less than \$200,000 shall be expended for a residential program to provide alcohol and drug treatment services to Hispanic women in the commonwealth; provided further, that not less than \$250,000 shall be expended for a system of case management and central intake for substance abuse treatment services in the city of Boston; provided further, that not less than \$80,000 shall be expended for substance abuse consultant services for the department of social services; provided further, that the commissioner of public

health shall enter into an interagency service agreement with the department of social services to provide said consulting services; provided further, that \$240,000 shall be expended for additional detoxification services; provided further that \$400,000 shall be expended for an acute treatment program for detoxification and stabilization services for civilly committed women; provided further, that not less than \$500,000 shall be expended for the establishment of a new five bed treatment program for detoxification and stabilization services for civilly committed women in central or western Massachusetts; provided further, that the amount appropriated herein for said treatment program shall represent funding for start-up costs and ten months of operational services; provided further, that any revenue generated from federal reimbursement for this program shall be deposited in the general fund; provided further, that not less than \$60,000 shall be allocated for Bay Colony Health Services, Inc.; provided further, that not less than \$2,000,000 shall be allocated to expand the purchase of long-term residential treatment beds operated by agencies contracting with the department of public health as of January 1, 1996; provided further, that not less than \$2,000,000 shall be expended for the purchase of outpatient treatment services to high risk populations in agencies contracted with the department of public health as of January 1, 1996; provided further, that not less than \$60,000 shall be expended for a contract with Gavin Foundation to provide a total immersion program in conjunction with the probation department of the Quincy division of the district court department of the trial court; provided further, that not less than \$81,000 of said allocation shall be expended for the Tynan Community Center Adolescent Wellness program in the city of Boston; provided further, that not less than \$120,000 shall be expended for a contract with Gavin Foundation to provide a total immersion program in conjunction with the probation department of the South Boston division of the district court department of the trial court and other district courts; provided further, that not less than \$60,000 shall be expended for the Hingham district court for a pilot total

immersion program; provided further, that not less than \$50,000 shall be expended for the establishment of a training program for a statewide total immersion program; provided further, that Gavin Foundation shall be contracted to provide immersion programs stated herein; provided further, that the department shall add through the competitive process two additional so-called half-way houses to the residential programs funded in order to expand the supply of available beds; provided further, that not less than \$88,000 shall be expended for a department of public health certified New Bedford batterer intervention program; provided further, that not less than \$60,000 shall be expended for the McLaughlin House in the Charlestown section of the city of Boston; provided further, that not less than \$200,000 shall be allocated from this item to Beacon Substance Abuse Programs for programs including, but not limited to, alcohol, drug and tobacco prevention; provided further, that not less than \$500,000 shall be expended for drug treatment and associated services to Children in Need of Services or CHINS, so-called; provided further, that the department shall file with the house and senate committees on ways and means not later than September 1, 1999 a list of substance abuse treatment facilities providing services for CHINS cases, so-called; provided further, that \$412,000 shall be expended for an adolescent residential facility for substance abuse and rehabilitation services in the South Boston section of the city of Boston; provided further, that no additional methadone clinic or facility dispensing methadone shall be located in any city or town in which there is an existing such clinic or facility, without first receiving the approval of the city council and mayor in a city, the city council in a Plan E city or the board of selectmen or town council in a town; provided further, that the department shall study and file a report with the house and senate committees on ways and means on the impact of all specified expenditures within the substance abuse account not later than January 3, 2000; and provided further, that services funded from this item shall include residential options, intervention programs, and prevention programs for ex-offenders and youth at risk of homeless-

	ness; provided further, that not less than \$50,000 shall be expended for Middlesex Human Service Agency of Waltham for the outpatient treatment of the working poor and adolescents	\$43,460,112
	General Fund	83.23%
	Health Protection Fund	16.77%
4512-0225	The department of public health is hereby authorized to expend for a compulsive gamblers' treatment program an amount not to exceed \$1,000,000 from unclaimed prize money held in the state lottery fund for more than one year from the date of the drawing when said unclaimed prize money was won, and from the proceeds of a multi-jurisdictional lottery game pursuant to subsection (e) of section 24A of chapter 10 of the General Laws; provided, that the state comptroller is hereby authorized and directed to transfer said amount to the General Fund	\$1,000,000
4512-0500	For dental health services	\$1,321,537
4513-1000	For the operation of the division of family health services, including a program of maternal and child health in addition to any federal funds received for this program; provided, that not less than \$250,000 shall be expended for community-based prenatal outreach and education programs targeted to communities with severe infant mortality issues; provided further, that not less than \$35,000 shall be expended for the Framingham teen parenting program; provided further, that not less than \$200,000 shall be expended for a child health diary entitled Growing Up Healthy/Creciendo Sano, so-called; provided further, that the Department of Public Health shall endeavor to raise matching funds or in-kind contributions from the private sector and/or federal government agencies; provided further, that 79 per cent of the diaries printed shall be printed in English, 14 per cent shall be printed in Spanish, and 7 per cent shall be printed in Portuguese; provided further, that not less than \$1,946,000 shall be expended for rape prevention and victim services; provided that not less than \$4,463,000 shall be expended for family planning services and expanded outreach and education; provided by agencies certified as comprehensive family planning agencies; provided further, that not less than \$1,290,063	

shall be expended for school and community-based teen health programs; and provided further, that not less than \$200,000 shall be obligated for a contract with the Women Enjoying Longer Lives (WELL) program, so-called; and provided further, that not less than \$14,800 shall be allocated as a management incentive grant to the Franklin regional council of governments for costs associated with the regional public health agent pilot project, so-called, in Franklin county; provided further, that not less than \$200,000 shall be provided to the northeastern university conflict resolution program; provided further, that not less than \$100,000 shall be expended for latinas y ninos to provide a full-time child advocate-parent educator specialist to attend to the needs of Latino women in recovery with a focus on pregnant women, new parents, and/or mothers recently reunified with children; and provided further, that not less than \$750,000 shall be expended for state-wide programs that provide suicide prevention outreach to gay and lesbian youth \$13,342,537

General Fund 80.74%

Health Protection Fund 19.26%

- 4513-1001 For certified batterer intervention programs to assist indigent batterers and their families; provided, that referred batterers are required to perform a minimum of 40 hours of community service; provided further, that not less than \$79,200 shall be expended for the north quabbin domestic violence prevention program; and provided further, that \$35,000 shall be expended from this item for the Men's Resource Center of Western Massachusetts \$772,716
- 4513-1002 For women, infants, and children's nutrition services in addition to funds received under the federal nutrition program; provided, that all new WIC cases, in excess of fiscal year 1991 caseload levels, shall be served in accordance with priority categories one through seven, as defined by the state WIC program; provided further, that within 30 days of the effective date of this act, the department shall report to the house and senate committees on ways and means the total number of cases which can be supported with funds from this item without incurring a deficiency; provided further, that the department shall

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	report quarterly to the house and senate committees on ways and means the total number of clients served per month and the total food voucher expenditures per month; and provided further, that not less than \$702,000 shall be obligated for failure to thrive programs	\$13,982,719
	General Fund	87.03%
	Health Protection Fund	12.97%
4513-1005	For the healthy start program to provide medical care and assistance to pregnant women and infants residing in the commonwealth pursuant to section 24D of chapter 111 of the General Laws; provided, that pursuant to an inter-agency agreement established with the division of medical assistance, the department of public health shall determine the presumptive eligibility of low-income pregnant women for services available under Title XIX and chapter 118E of the General Laws	\$6,408,450
	General Fund	65.34%
	Health Protection Fund	34.66%
4513-1010	The department of public health is hereby authorized to expend an amount not to exceed \$3,700,050 generated from revenues received from the collection of federal financial participation for early intervention services delivered to medicaid-eligible children by developmental educators and professionals in related disciplines; provided, that nothing herein shall give rise to or shall be construed giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded herein; and provided further, that said revenue may be used to pay for current and prior year claims	\$3,700,050
4513-1012	The department of public health may expend an amount not to exceed \$22,800,000 from revenues received from the federal cost-containment initiatives, including, but not limited to, infant formula rebates and northeast dairy compact reimbursements, for the purpose of increasing the caseload of the WIC program	\$22,800,000
4513-1020	For the early intervention program; provided, that the department shall report quarterly to the house and senate committees on ways and means the total number of units	

of service purchased and the total expenditures for said units of service paid by the department, the division of medical assistance, and by third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening, and assessment; provided further, that the department shall fund not less than 39 full-time equivalent employees for said program; provided further, that the department shall make all reasonable efforts to secure third party and medicaid reimbursements for the services funded herein; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until said program receives notice of a denial of eligibility for the MassHealth program from the division of medical assistance; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded herein \$26,012,047

General Fund 75.18%

Health Protection Fund 24.82%

- 4513-1022 For community-based domestic violence prevention programs; and provided further, that \$120,000 shall be made available for outreach and intervention services to homosexual male victims of domestic violence; provided further that \$5,000 shall be made available to the Words Not Weapons mentoring pilot project in Saugus; provided further, that not more than \$60,000 shall be expended from this item for the Planned Learning Achievement for Youth program in Amherst in collaboration with the Department of Education through an interagency service agreement, provided that no funds shall be expended for said program prior to the approval of a program plan by the commissioner of public health \$635,000
- 4513-1023 For the costs associated with the implementation of universal newborn hearing screening, so-called; provided, that the funds herein shall be expended exclusively for the provision of such screenings to uninsured newborns \$300,000
- 4513-1111 For an osteoporosis education and prevention program; provided, that the program shall include, but not be limited

	to: (1) development or identification of educational material to promote public awareness of the cause of osteoporosis, options for prevention, the value of early detection and possible treatments, including their benefits and risks, to be made available to consumers, particularly targeted to high risk groups; (2) development or identification of professional education programs for health care providers; and (3) development and maintenance of a list of current providers of specialized services for the prevention and treatment of osteoporosis	\$502,638
	General Fund	64.61%
	Health Protection Fund	35.39%
4513-1112	For a prostate cancer screening, education and treatment program; provided, that not less than \$500,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment	\$2,258,689
4513-1113	For a program to raise public awareness and provide health care provider education on colorectal cancer, including dissemination of materials on preventing and screening said disease and cancer registry reporting, provided that no expenditures shall be made from this item for the cost of personnel	\$250,000
4513-1114	For a program to mitigate the effects of hepatitis C; provided, that \$1,500,000 shall be expended for screening, information, education and treatment programs; provided further, that \$500,000 shall be expended for research grants; provided further, that funds herein shall supplement, and not supplant, funding for such purposes in item 4580-1000; and provided further, that no expenditure shall be made from this item until the comptroller has certified receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act	\$2,000,000
	Tobacco Settlement Fund	100.0%
4513-1115	For a multiple sclerosis screening, information, education, and treatment program; provided, that no expenditure shall be made from this item until the comptroller has certified	

	receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act	\$500,000
	Tobacco Settlement Fund	100.0%
4516-0263	The department of public health is hereby authorized to expend an amount not to exceed \$1,491,830 in revenues from various blood lead testing fees collected from insurers and individuals, for the purpose of conducting such tests; provided, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system	\$1,491,830
4516-1000	For the administration of the center for laboratory and communicable disease control, including the division of communicable venereal diseases, the division of tuberculosis control and the state laboratory institute; provided, that the department shall give priority to the analysis of samples used in prosecution of controlled substances offenses; provided further, that not less than \$263,244 shall be expended for the maintenance of the statewide rabies control program coordinated by the department of public health providing assistance to cities, towns and the public, and for the interagency collaboration through the rabies advisory committee, the 24-hour epidemiological and clinical consultation for rabies exposures, the rapid laboratory diagnostic services and for the continuation of the raccoon rabies vaccine field trial on Cape Cod operated through a contract with Tufts University School of Veterinary Medicine in collaboration with the federal Centers for Disease Control and Prevention; provided further, that an additional \$50,000 shall be expended for the Tufts Veterinary School for the continuation of the rabies baiting program, so-called, on Cape Cod; provided further, that funds shall be expended for an eastern encephalitis testing program and for tuberculosis testing and treatment ser-	

	VICES; AND PROVIDED FURTHER, THAT NO FUNDS APPROPRIATED HEREIN SHALL BE EXPENDED FOR ADMINISTRATIVE, SPACE OR ENERGY EXPENSES OF THE DEPARTMENT NOT DIRECTLY RELATED TO PERSONNEL OR PROGRAMS FUNDED HEREIN	\$10,845,098
4516-1003	FOR THE PURCHASE OF EQUIPMENT FOR THE DRUG LABORATORY AT THE STATE LABORATORY INSTITUTE; PROVIDED, THAT ALL FUNDS APPROPRIATED HEREIN SHALL BE SCHEDULED IN THE FF OR KK SUBSIDIARY, SO-CALLED; AND PROVIDED FURTHER, THAT NO FUNDS EXPENDED FROM THIS ITEM SHALL EXCEED THE AMOUNTS AVAILABLE IN THE DRUG ANALYSIS FUND, ESTABLISHED PURSUANT TO SECTION 51 OF CHAPTER 10 OF THE GENERAL LAWS Drug Analysis Fund	\$100,000 100.0%
4518-0100	FOR THE HEALTH STATISTICS PROGRAM, THE OPERATION OF A CANCER REGISTRY AND OCCUPATIONAL LUNG DISEASE REGISTRY General Fund Health Protection Fund	\$1,180,321 64.25% 35.75%
4518-0200	THE DEPARTMENT IS HEREBY AUTHORIZED TO EXPEND AN AMOUNT NOT TO EXCEED \$242,500 GENERATED BY FEES COLLECTED FROM THE FOLLOWING SERVICES PROVIDED AT THE REGISTRY OF VITAL RECORDS AND STATISTICS: AMENDMENTS OF VITAL RECORDS, ALL REQUESTS FOR VITAL RECORDS NOT ISSUED IN PERSON AT SAID REGISTRY, AND RESEARCH REQUESTS PERFORMED BY REGISTRY STAFF AT SAID REGISTRY; PROVIDED, THAT REVENUES SO COLLECTED MAY BE USED FOR ALL PROGRAM COSTS, INCLUDING THE COMPENSATION OF EMPLOYEES; AND PROVIDED FURTHER, THAT FOR THE PURPOSE OF ACCOMMODATING DISCREPANCIES BETWEEN THE RECEIPT OF RETAINED REVENUES AND RELATED EXPENDITURES, THE DEPARTMENT MAY INCUR EXPENSES AND THE COMPTROLLER MAY CERTIFY FOR PAYMENT AMOUNTS NOT TO EXCEED THE LOWER OF THIS AUTHORIZATION OR THE MOST RECENT REVENUE ESTIMATE AS REPORTED IN THE STATE ACCOUNTING SYSTEM	\$242,500
4530-9000	FOR TEENAGE PREGNANCY PREVENTION SERVICES; PROVIDED, THAT APPLICATIONS FOR SUCH FUNDS SHALL BE ADMINISTERED THROUGH THE DEPARTMENT UPON RECEIPT AND APPROVAL OF COORDINATED COMMUNITY SERVICE PLANS TO BE EVALUATED IN ACCORDANCE WITH GUIDELINES ISSUED BY THE DEPARTMENT; PROVIDED FURTHER, THAT PORTIONS OF SAID GRANTS MAY BE USED FOR STATE AGENCY PURCHASES OF DESIGNATED SERVICES IDENTIFIED BY SAID COMMUNITY SERVICE PLANS; PROVIDED FURTHER, THAT NOT LESS	

than \$175,000 shall be expended for the Berkshire Coalition to Prevent Teen Pregnancy program in Berkshire County; provided further, that \$100,000 shall be expended for teen pregnancy prevention services and associated costs in the town of Orange; provided further, that \$250,000 shall be expended for the abstinence-based teen pregnancy prevention program, so-called, to prevent teen pregnancy in the cities of Lawrence, North Adams, Pittsfield, and the town of Orange; provided further, that of said \$250,000 not less than \$90,000 shall be expended for said program in the city of Pittsfield; and provided further, that of said \$250,000 not less than \$80,000 shall be expended for said program in the city of North Adams \$4,670,381

4570-1500 For an early breast cancer detection program, mammographies for the uninsured, breast cancer research and a breast cancer detection public awareness program; provided, that not less than \$1,700,000 shall be expended for the purposes of a scientific research grant program to investigate potential environmental factors that contribute to breast cancer in "areas of unique opportunity"; provided further, that not less than \$3,000,000 shall be expended for a breast cancer research grant program to support innovative research by investigators who are in the formative stages of their careers; provided further, that the department shall name one of said research grants the "Suzanne Sheats Breast Cancer Research Fellowship"; provided further, that said research grants shall be awarded to investigators, post-doctoral fellows and assistant professors who are within ten years after completion of their highest degree or within ten years after completion of clinical training; provided further, that \$250,000 of such funds shall be made available to fund research grants studying environmental links to breast cancer; provided further, that members of any selection review committee for the breast cancer research grant program shall be subject to chapter 268A and shall not participate in the review or recommendation of an application filed by an organization with which they are affiliated; provided further, that such members may participate in the review and recommendations of applications filed by organizations with which they

are not affiliated; provided further, that \$250,000 shall be expended for research grants for experienced researchers, subject to the receipt of matching funds from public or private sources; provided further, that \$1,000,000 shall be expended for the purposes of an early breast cancer detection and education program for uninsured women in identified high-risk communities with increased rates of breast cancer, in order to provide outreach, access, screening and training for early detection and treatment; and provided further, that the department shall submit to the house and senate committees on ways and means a detailed report delineating the amounts allocated to such high risk communities and the specific purposes of such allocation. . . . \$9,403,382

General Fund 94.19%
Health Protection Fund 5.81%

4580-1000 For the universal immunization program; provided that an amount not to exceed \$375,000 shall be made available for the provision of hepatitis B vaccine and vaccination series for public employees at risk of occupational exposure to infection; provided, that no funds appropriated herein shall be expended for administrative or energy expenses of the department not directly related to personnel or programs funded herein; and provided further, that not less than \$100,000 shall be expended for a hepatitis C program to raise public awareness and provide health care provider education, including dissemination of materials on identification, reporting, and counseling to public health, medical and other health care professionals \$20,433,559

4580-1230 For medical respite services provided by the health care for the homeless program established pursuant to clause (iv) of section 24F of chapter 111 of the General Laws \$300,000

4590-0250 For expansion of smoking prevention and cessation programs; provided, that \$7,000,000 shall be allocated to local communities for the purpose of enforcing local ordinances, bylaws and regulations relative to tobacco control; provided further, that \$6,700,000 shall be expended from this item for a tobacco cessation program, which may include providing smokers with vouchers to be used for counseling and cessation products; provided further, that of said \$6,700,000 not less than \$158,333 shall be

expended for low income smokers' nicotine replacement therapy; provided further, that \$2,500,000 shall be expended from this item for grants to evaluate current anti-tobacco efforts and to pursue scientific and policy research including, but not limited to, smoking prevention, addiction, mortality associated with secondhand smoke, issues unique to minority communities and youth smoking; provided further, that \$6,600,000 shall be appropriated from this item to fund increased enforcement efforts and media campaigns by health and community agencies in minority communities which demonstrate a high rate of tobacco use; provided further, that of said \$6,600,000 not less than \$150,000 shall be expended for black male health, for the purposes of decreasing disparities and improving the health conditions of black males and for the purposes of research, education, and health awareness programs to be executed by the department; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act \$22,800,000

Tobacco Settlement Fund 100.0%

4590-0300 For the smoking prevention and cessation program established pursuant to chapter 254 of the acts of 1992; provided, that priority shall be given to funding programs in communities with high smoking rates among women; provided further, that not less than \$13,806,919 shall be allocated from this item to the department of education for grants to cities, towns and regional school districts for comprehensive health education programs, including education on smoking prevention; provided further, that any funds distributed under this item shall be deposited with the treasurer of any such city, town or regional school district, held in a separate account and expended without further appropriation by the school committee; provided further, that not less than \$5,177,595 shall be expended from this item for a school health service program, including enhanced school and health centers; provided further, that

programs funded in this item shall include an educational component and campaign on smokeless tobacco; provided further, that the department of public health and the department of education shall jointly establish standards and criteria for said school health service programs; provided further, that not less than \$1,605,000 shall be expended for tobacco control coalitions; provided further, that not less than \$215,733 shall be expended for a discretionary grant program available to nonprofit organizations operating satellite programs which provide outreach services to teenagers involving substance abuse prevention, health programs and community service in the context of recreation and youth development; provided further, that no funds shall be expended from this item for an interagency service agreement with the department of revenue; provided further, that no funds appropriated herein shall be expended for administrative, space leasing or energy expenses of the department; and provided further, that not less than \$200,000 shall be allocated from this item to the Berkshire County Area Health Education Center, Inc. for programs including but not limited to alcohol, drug and tobacco prevention; provided further, that not less than \$50,000 shall be allocated for the smoking cessation program at North Adams Regional Hospital \$50,444,461

Health Protection Fund 100.0%

4590-0450 For expansion of school based health centers partially funded in item 4590-0300; provided, that no expenditure shall be made from this item until the comptroller has certified receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act \$5,000,000

Tobacco Settlement Fund 100.0%

4590-0451 For the school health services program; provided, that said services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that funds shall be expended from this item for said services in public and non-public schools; provided

further, that services shall include but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration, (2) developing linkages between school health services programs and community health providers, (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and provided further, that no expenditure shall be made from this item until the comptroller has certified receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act \$6,500,000
Tobacco Settlement Fund 100.0%

4590-0906 For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the department shall pre-screen enrollees and applicants for medicaid eligibility; provided further, that no applicant shall be enrolled in said program until said program receives notice of a denial of eligibility for the MassHealth program from the division of medical assistance; provided further, that the MassHealth benefit request shall be used as a joint application to determine the eligibility for both MassHealth and the children's medical security plan; provided further, that no funds shall be expended from this item for expenses incurred in prior fiscal years; provided further, that the department shall maximize federal reimbursement for state expenditure made on behalf of said children; provided further, that any projection of deficiency in this item shall be reported to the house and senate committees on ways and means not less than 90 days prior to the projected exhaustion of funding; provided further, that the department shall negotiate with the vendor of said program to ensure that rates paid for the administration of the program do not exceed such rates as are necessary to meet only those costs which must be incurred for an economically and efficiently operated program; provided further that

\$200,000 shall be expended for the state mini-grant program, so-called; provided further, that the department shall report to the house and senate committees on ways and means and the executive office of administration and finance, not later than January 4, 2000, the quarterly expenditure of said mini-grants, including a detail of recipients and amounts received, uses of said funds and a cost-based analysis of effectiveness and impact of said mini-grants on increasing enrollments and promoting awareness of said program; provided further, that the department shall expend funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 24G of chapter 111 of the General Laws; provided further, that said maximum benefit levels for this program shall be made available only to those children who have been determined by the department to be ineligible for MassHealth benefits provided by the division of medical assistance; and provided further, that the commissioner of the department of public health shall certify quarterly in writing to the house and senate committees on ways and means that premiums established pursuant to the fourth paragraph of said section 24G of chapter 111 have been paid by all enrollees for whom said premiums are applicable \$13,658,855

General Fund 76.62%

Childrens' & Seniors' Health Care

Assistance Fund 23.38%

4590-0908 For the maintenance and operations of the hospital bureau, including the consolidated pharmacy unit, so-called; provided, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein \$4,907,210

4590-0909 For the maintenance and operations of the Tewksbury state hospital; provided, that all revenue generated by said hospital shall be credited to the general fund; provided further, that said hospital shall not be used to house county, state or other prisoners; provided further, that the department shall take no action to reduce or realign the client population and services at the Tewksbury state

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hospital unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that staffing configurations at said hospital shall be consistent with said client population and service realignment; provided further, that not less than \$25,000 shall be expended for an adult day service program; provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein; and provided further, that not less than \$15,000 shall be paid for chaplain services at Tewksbury state hospital

\$40,033,479

4590-0910 For the maintenance and operation of the Massachusetts hospital school; provided, that all revenue generated by said school shall be credited to the general fund; provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein

\$12,711,718

4590-0911 For the maintenance and operation of the Lemuel Shattuck hospital; provided, that all revenue generated by said hospital shall be credited to the general fund; provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein; and provided further, that reimbursements received for medical services provided at the Lemuel Shattuck hospital to inmates of county correctional facilities not managed by private health care vendors shall be credited to item 4590-0903 of section 2B

\$45,117,415

4590-0912 The department is hereby authorized to expend an amount not to exceed \$12,241,014 from reimbursements collected for western Massachusetts hospital services, subject to the approval of the commissioner of public health; provided, that such revenues may be expended for the purpose of hospital related costs, including personnel, capital expenditures, DD subsidiary chargebacks, so-called and motor vehicle replacement; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and the house

and senate committees on ways and means; provided further, that notwithstanding the provisions of any general or special law to the contrary, the western Massachusetts hospital shall be eligible to receive and retain full reimbursement from the medical assistance program of the division of medical assistance; provided further, that notwithstanding the provisions of any general or special law to the contrary, said western Massachusetts hospital shall reimburse the general fund for a portion of employee benefit expenses, according to a schedule submitted by the commissioner of public health and approved by the secretary of administration and finance; provided further, that such reimbursement shall not exceed 10 per cent of total personnel costs for said hospital; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein \$12,241,014

4590-0913 For the department of public health Lemuel Shattuck hospital, for the purposes of funding expenses for services provided to inmates of county correctional facilities which have privatized medical care in fiscal year 2000; provided, that said department may expend an amount not to exceed \$500,000 in revenues collected from the private medical vendors; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$500,000

4590-0914 For a reserve to improve the health, safety and well-being of patients of the four hospitals owned and operated by the department of public health by making repairs and im-

provements and meeting the one-time medical equipment needs of said hospitals; provided, that said expenditures shall not recur other than as scheduled maintenance expenditures; provided further, that the commissioner of the department of public health shall submit to the house and senate committees on ways and means not later than January 1, 1999, an allocation plan detailing any projects funded from this item, the cost of said projects, and the location of said projects; provided further, that said commissioner shall allocate the amounts appropriated herein to said hospitals pursuant to said allocation plan; provided further, that operating funds previously budgeted for the purposes of capital asset maintenance and repairs in other items of appropriation shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that not more than \$4,000,000 shall be expended for the one-time purchase of medical equipment for said hospitals; provided further, that no funds appropriated herein shall be expended for routine upkeep, including, but not limited to, janitorial services, grounds-keeping and trash collection; provided further, that no funds appropriated herein shall be used to purchase or replace office equipment, including computers, or vehicles; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, upon the request of the department of public health, delegate project control and supervision to such department over projects funded from this item with an estimated cost of less than \$500,000 if said commissioner determines that said department has the ability to control and supervise such project; provided further, that projects not exceeding said \$500,000 in costs shall not be subject to the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws; and provided further, that amounts allocated to projects in excess of \$500,000 shall be one-time, non-recurring expenditures, which shall remain available for expenditure until June 30, 2001 and provided further, that no expenditure shall be made from

this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act \$7,000,000
Tobacco Settlement Fund 100.0%

Department of Social Services.

Notwithstanding the provisions of any general or special law to the contrary, the department of social services shall report monthly to the house and senate committees on ways and means and the secretary of administration and finance the following: (i) the current social worker caseloads by type of case and level of social worker assigned to cases; (ii) the amount expended on permanency services; provided, that said report shall include the total number of children with the goal of adoption and guardianship by region, the number of new cases with the goal of adoption and guardianship by region and the number of adoptions finalized by region; (iii) the amount expended on group care services; provided, that said report shall detail separately, monthly expenditures and number of children served in commonworks, so-called, authorized, and contracted group care placements; (iv), the amount expended for purchased services from item 4800-0018 of this act; provided, that said report shall detail monthly expenditures, number of families served, and average cost per individual or family by category of purchased service so provided; and, (v), caseload ratio of each individual social worker with a caseload ratio in excess of the contractual ratio of 18 to 1, the office in which they work and the total number of said social workers.

Notwithstanding the provisions of any general or special law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance the amount expended on women-at-risk services; provided, that said report shall include the number of service units by category, utilization by category, and cost by category.

Notwithstanding the provisions of any general or special law to the contrary, the department of social services shall not authorize purchased social services at a level that will cause expenditures to exceed appropriations; provided, that social services shall be maintained and expenditures allocated in such a manner that will not cause said services to be terminated prior to the end of the fiscal year.

4800-0014 For the costs of revenue management contracted services; provided, that the costs of said contracts shall be funded entirely from this item and from no other source \$3,400,000
General Fund 60.0%
Social Services Fund 40.0%

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4800-0015 For central and area office administration; provided, that associated expenses of employees whose AA subsidiary costs, so-called, are paid from items 4800-1100 and 4800-1101 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit eight employees, so-called; provided further, that the department shall maintain a sufficient number of registered nurses to provide medical case management for medically involved children in foster care; provided further, that an area office shall be maintained in the Beverly area; provided further, that the department shall not place a child or adolescent referred by or discharged from the care of the department of mental health until said latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is only appropriate for group care; provided further, that the department, in consultation with the department of mental health, shall establish guidelines to assist said latter department in making such assessments and recommendations; provided further, that not more than \$100,000 shall be expended from this item for the costs of attaining licensure as a licensed social worker associate for those social workers whose date of employment is prior to July 1, 1997 and who are not licensed by the board of registration of social workers; provided further, that said expenditures shall only be made pursuant to section 564 of chapter 151 of the acts of 1996, to the extent that the provisions of said section do not violate existing collective bargaining agreements; provided further, that no funds shall be expended for the costs of attaining said licensure prior to submission of the staffing plan, so-called, required by said section 564 of said chapter 151; provided further, that social workers who have received financial assistance from the department for obtaining said license must remain with the department for such reasonable minimum duration as established by the department or refund part or all of said financial assistance; provided further, that said costs of attaining licensure shall be funded solely from this item; and provided further, that

unless otherwise authorized, all funds including federal reimbursements received by the department shall be credited to the general fund	\$60,921,143
General Fund	89.30%
Social Services Fund	10.70%

4800-0018 For the family stabilization, unification and reunification programs for non-placement families, families experiencing instability and families whose children are expected to return home following placement, including, but not limited to, shelter services, substance abuse treatment, respite care, family reunification networks, and not less than \$2,613,654 for school and community-based young parent programs, parent aides, and education and counseling services; provided, that the department shall pursue the establishment of public/private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that not less than \$1,500,000 shall be expended for intensive and expanded parent aid and other support services for families requiring such services for family preservation due to acute conditions; provided further, that the department shall pursue the establishment of public/private partnership agreements established for family unification and reunification services funded from sources other than the commonwealth; provided further, that not less than \$250,000 shall be expended for a contract for an integrated family services team in region 6; provided further, that not less than \$298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on children in need of services petitions (CHINS) in region 6; provided further, that not less than \$130,000 shall be expended for the Children’s Cove Cape and Islands Child Advocacy Center; provided further, that \$50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing Program, so-called, in the city of Lynn; provided further, that the department shall expend \$110,000 to establish a pilot feasibility study, including not less than \$75,000 shall be expended for Latinas y Ninos and Casa Esperanza to explore family stabilization and

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reunification through expanded economic training opportunities and \$35,000 shall be expended for contracted services to be provided to the same for programmatic and capital development; provided further, that not less than \$150,000 shall be expended for a contract with Julie's family learning program in South Boston; provided further, that not less than \$69,123 shall be expended for the school age parenting project at Framingham high school; provided further, that not less than \$15,000 shall be expended for a contract with Child and Family Services of Cape Cod for the Court Diversion Program; provided further, that not less than \$30,000 shall be expended for a contract with big brothers and sisters of Cape Cod and the islands; provided further, that the department shall expend a sum of not less than \$40,000 in region 1 for a community-based family unification counseling program to prevent juvenile delinquency; provided further, that the department shall reevaluate services provided from this item in order to maximize compliance with chapter 3 of the acts of 1999 and chapter 6 of the acts of 1999; provided further, that the department shall submit a report to the house and senate ways and means committees detailing the results of said reevaluation no later than February 1, 2000; and provided further, that not less than \$200,000 shall be provided to establish the family center component of the Greater Lowell Family Resource Center \$37,589,123

General Fund 70.0%

Social Services Fund 30.0%

4800-0025 For foster care review services \$2,178,003

4800-0031 For permanency, adoption, and foster care services, including foster care, adoption, and guardianship subsidies, services to foster families, and reimbursements to foster parents for extraordinary expenses incurred, including, but not limited to, the tiered reimbursements, so-called, used to promote the placement of children with special medical and social needs who would otherwise be placed in structured group care facilities; provided, that no funds shall be expended to provide subsidies to adoptive parents for children no longer in their care; provided further, that the department shall assess all children in its care for longer than 12

months for the appropriateness of adoption; provided further, that the department shall maintain a central registry and tracking system to monitor the progress of such children in the adoption process; provided further, that the department may contract with community-based agencies for the purpose of providing adoption and special needs adoption services; provided further, that the department shall establish a schedule of fees for services which shall vary with the ability of the recipient's legal family to pay; provided further, that said fees shall be imposed regardless of whether a placement is voluntary or results from an order of a court of competent jurisdiction; provided further, that no fees shall be charged to individuals and families with incomes at or below 150 per cent of the federal poverty level; provided further, that the foster care daily rate paid for subsidies in fiscal year 2000 shall be equal to the daily rate paid in fiscal year 1999, except those rate increases made pursuant to the tiered reimbursement system, so-called, established pursuant to section 566 of chapter 151 of the acts of 1996; provided further, that not more than \$8,000,000 shall be obligated to continue a tiered reimbursement system for foster care pursuant to said section 566 of said chapter 151; provided further, that the department shall expend not less than \$3,200,000 for the purchase of special needs adoption contracts located at community-based agencies; and provided further, that if sufficient funds are available in this item the department may expand the existing permanency mediation pilot project, currently serving the counties of Berkshire, Hampden and Essex, to also serve the counties of Hampshire, Franklin, Barnstable and Middlesex \$159,890,192

General Fund 87.55%

Social Services Program Fund 12.45%

4800-0036 For a sexual abuse intervention network (SAIN) program to be administered in conjunction with the district attorneys; provided, that each district attorney shall receive not less than the amount it received in fiscal year 1999 for the sexual abuse intervention program \$697,266

Social Services Program Fund 100.0%

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- 4800-0041 For group care services; provided, that the department shall establish a schedule of fees for services which shall vary with the ability of the recipient's legal family to pay; provided further, that said fees shall be imposed regardless of whether the placement is voluntary or results from an order of a court of competent jurisdiction; provided further, that no fees shall be charged to individuals and families with incomes at or below 150 per cent of the federal poverty level; provided further, that no more than \$2,600,000 shall be spent on adolescent bridge homes, so-called; provided further, that said bridge homes shall provide extended diagnostic services not to exceed 90 days for any adolescent and shall be geographically distributed to allow adolescents in said placements to attend their pre-placement public school whenever possible; provided further, that unless otherwise authorized to be expended, any federal reimbursements received for these purposes shall be credited to the General Fund; and provided further, that the department shall pursue the establishment of a managed care network for the commonworks program ... \$121,138,291
- General Fund 72.0%
- Social Services Program Fund 28.0%
- 4800-0050 For the operation of the New Chardon street home for women located in the city of Boston \$782,805
- 4800-0151 For a program to provide alternative overnight non-secure placements for status offenders and nonviolent delinquent youth up to the age of 17 in order to prevent the inappropriate use of juvenile cells in police stations for such offenders, in compliance with the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 1988; provided, that the programs which provide such alternative non-secure placement collaborate with the county sheriff's office to provide referrals of said offenders and delinquent youth to any programs within the sheriff's office designed to positively influence youth or reduce, if not altogether eliminate, juvenile crime \$772,297
- 4800-1100 For the AA subsidiary costs, so-called, of the department's social workers; provided, that only employees of bargaining unit eight, so-called, as identified in the Massachusetts personnel administrative reporting and information system,

so-called, shall be paid from this item; provided further, that the department is hereby authorized and directed to provide the house and senate committees on ways and means with a cost analysis for attaining the caseworker caseload ratios recommended by the governor's special commission on foster care; provided further, that said report shall be filed with said committees not later than January 1, 2000; and provided further, that any other payroll or administrative expenses associated with the management or support of said employees shall be paid from item 4800-0015 \$86,322,631

General Fund 95.0%
Social Services Program Fund 5.0%

4800-1101 For social worker caseload mitigation; provided, that funds from this item shall be expended for the AA subsidiary payroll costs, so-called, of new social workers for the explicit purpose of mitigating social worker caseloads in those area offices furthest above the statewide weighted caseload standard, so-called; provided further, that the annualized value of this item shall not exceed in fiscal year 2001 the amount appropriated herein; and provided further, that no funds from this item shall be expended for any purpose not specifically referenced herein \$2,101,337

4800-1102 For a reserve for the hiring of social workers, supervisors and area program managers in order to achieve a social worker caseload ratio of 18-to-1; provided, that not more than \$8,180 shall be expended for ancillary costs associated with the hiring of each such social worker, supervisor and area program manager compensated from this item; provided further, that funds expended from this item shall only be used for the compensation of social workers hired in excess of the 2,274 social workers funded from items 4800-1100 and 4800-1101 of this act; and provided further, that no funds shall be expended from this item until the commissioner of the department of social services, the secretary of the executive office of health and human services, the state budget director, and the secretary of administration and finance certify in writing to the house and senate committees on ways and means that the amounts appropriated in items 4800-1100 and 4800-1101

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	are insufficient to meet the costs of funding the level of social workers necessary to maintain an 18-to-1 caseload ratio for social workers compensated from said items	\$7,579,560
4800-1200	For partnership agencies to provide protective services; provided, that the funds appropriated herein may be expended on contracts serving minority and mentally retarded or handicapped clients; and provided further, that all expenditures from this item shall be made from the MM subsidiary, so-called	\$3,041,215
4800-1400	For women-at-risk shelters and services, including supervised visitation programs; provided, that the department shall pursue the establishment of public/private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that not less than \$416,850 shall be expended for a contract with the YWCA battered women's shelter in Springfield; provided further, that not less than \$450,000 shall be expended for visitation centers receiving funds from this item in fiscal year 1998; provided further, that \$442,500 shall be expended for the establishment of additional visitation centers; provided further, that more than one visitation center may be funded in Middlesex county; provided further, that not less than \$10,000 shall be expended for the Melrose Alliance Against Violence; provided further, that not less than \$50,000 shall be expended for Children's Supervised Visitations, Inc. of Framingham; provided further, that not less than \$65,205 shall be expended for the North Quabbin Domestic Violence Prevention Program; provided further, that not less than \$95,000 shall be expended for a contract with Sylvia's Haven at Devens to provide transitional housing to pregnant and parenting women and girls; provided further, that not less than \$630,000 shall be used to enhance services at domestic violence shelters and counseling sites for children who have witnessed domestic violence; provided further, that \$110,700 shall be expended for the New England Learning Center for Women in Transition; provided further, that not more than \$270,000 shall be expended for the purposes of improving the ability of the department to identify those victims of domestic violence who may be in	

need of emergency service from said department; provided further, that \$550,000 shall be expended for additional capacity at existing residential transitional living programs and the development of new programs; provided further, that, not more than \$75,000 shall be obligated to the Cape Cod Center for Women to maintain the confidential, battered women's support center and shelter; provided further, that \$350,000 shall be expended for domestic violence shelters for women with substance abuse treatment needs; provided further, that \$245,000 shall be expended for transitional housing for historically underserved battered women; provided further, that a sum of not less than \$50,000 be appropriated to the On The Rise shelter for homeless women in Cambridge; and provided further, that \$150,000 shall be expended for a statewide domestic violence hotline \$15,511,293

General Fund 50.35%
Social Services Program Fund 49.65%

4800-1500 For domestic violence prevention specialists in the department's area offices; provided, that expenditures from this item shall not exceed the amount appropriated herein \$589,841

4800-1997 For a reserve to improve the quality of services provided by the department to children in the care of the commonwealth, including, but not limited to, an enhanced program for recruiting and retaining foster families, and the coordination of services provided by the department and the departments of public health, education, transitional assistance, mental health and mental retardation, and the juvenile courts; provided, that not more than \$1,233,376 shall be obligated for the costs of consolidated foster care and adoption recruitment units to allow for targeted recruitment, including the need for cultural and ethnic diversity; provided further, that such units shall recruit, screen, license, and provide Massachusetts approaches to partnership in parenting training for all foster and pre-adoptive families; provided further, that not more than \$250,000 shall be expended for foster care parenting and adoption recruitment campaign; provided further, that the commissioner is directed to provide quarterly reports to the joint committee on health

and human services and elderly affairs and to the house and senate committees on ways and means detailing the total number of additional foster care placements made during fiscal year 2000 as a result of enhanced recruitment activities; provided further, that said report shall include a separate section detailing the number of additional placements for children with special medical, psychological or social needs that have resulted from said initiatives, and any reduction in group care placements for children with such needs that have resulted from these initiatives; provided further, that the department is authorized and directed to work with law enforcement authorities including the attorney general and district attorneys to identify any need for additional legal staffing to eliminate any such backlog of adoption and care and protection cases and shall develop a plan to eliminate any such backlog through the use of contracted or temporary legal services; provided further, that not more than \$275,000 shall be obligated for an enhanced training program for social workers and investigators, so-called; provided further, that not more than \$5,175,623 shall be obligated for the operation of latency-aged bridge homes, so-called, in each region; provided further, that said bridge homes shall provide extended diagnostic services not to exceed 90 days for any child and shall be geographically distributed to allow children in said placements to attend their pre-placement public school whenever possible; provided further, that said bridge homes shall be funded solely from this item; provided further, that not less than \$668,451 shall be obligated for child care and respite care services for foster families; provided further, that \$1,260,443 shall be expended for post-adoption services, so-called; provided further, that an additional \$300,000 shall be expended for support services for foster, kinship and adoptive families provided by the kid's net program, so-called, of the Massachusetts society for the prevention of cruelty to children; provided further, that \$250,000 shall be expended for the purposes of juvenile firesetter programs; and provided further, that no funds shall be transferred from this item to other items for purposes other than those listed herein \$9,412,893

Department of Mental Health.

- 5011-0100 For the operation of the department; provided, that the department shall not refer or discharge a child or adolescent to the custody or care of the department of social services until the department of mental health forwards its assessment and recommendation as to whether said child or adolescent is appropriate for foster care, or if due to severe emotional disturbance, is only appropriate for group care . . . \$35,892,669

- 5011-0250 For a comprehensive statewide tobacco cessation and wellness program; provided, that \$1,000,000 shall be expended on the changing minds program, so called; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act \$2,500,000
Tobacco Settlement Fund 100.0%

- 5011-0300 For the costs of certifying direct care employees of private human services providers that deliver services under contract with the department of mental health in pharmaceutical administration; provided, that funds from this item shall be available to said providers, upon the approval of the commissioner, for additional temporary staffing to ensure all direct care employees attend said certification training \$538,675

- 5011-1102 For improvements to the health, safety and well-being of clients of the department of mental health by making repairs and improvements to facilities and community mental health centers operated by the department; provided, that said repairs and improvements shall include, but not be limited to, replacement of emergency generators, modifications for compliance with the Americans with Disabilities Act, remediating harmful environmental conditions, and repairing or replacing roofing, water, ventilation, heating and cooling systems; provided further, said department shall submit an allocation and implementation plan for expenditure of the amount appropriated herein to the house and senate

committees on ways and means not later than January 5, 2000; provided further, that operating funds previously budgeted in other items of appropriation for the purposes of such repairs and improvements shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that no funds appropriated herein shall be expended for routine upkeep, including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, upon the request of said department, delegate project control and supervision to said department over projects funded from this item whose estimated cost is less than \$500,000 if said commissioner determines that said department has the ability to control and supervise such project; provided further, that expenditures for said repairs and improvements may be made notwithstanding the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws whenever the total cost of such project is \$500,000 or less; provided further, that amounts allocated to projects whose total estimated cost exceeds \$500,000 shall be one-time, non-recurring expenditures, which shall remain available for expenditure until June 30, 2001; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act \$4,000,000

Tobacco Settlement Fund 100.0%

5042-5000 For child and adolescent services; provided, that of the sum appropriated herein, not less than \$69,408 shall be expended on the Franklin Community Action Corporation in Greenfield for a youth and adolescent services program; provided further, that not less than \$25,000 be expended for the purposes of sending children to existing summer programs funded through the department of mental health's camperships, so-called; provided further, that not less than

\$189,000 shall be expended for the purposes of providing educational services in institutional settings; provided further, that \$125,000 shall be expended for adolescent mental health services in the South Boston section of the city of Boston; and provided further, that said services may include a mobile crisis intervention team and a pilot program for juveniles and adolescents before the South Boston district court on matters concerning drug dependence and mental health \$53,129,790

5046-0000 For adult mental health and support services; provided, that the department is hereby authorized to allocate funds in an amount not to exceed \$5,000,000 from item 5095-0000 of section 2, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that \$75,000 shall be expended for comprehensive vocational rehabilitation services to be provided to mentally ill adults who are homeless or are at-risk of being homeless; provided further, that said services shall be provided at the multi-service center located in the city of Lynn by a vocational rehabilitation agency specializing in employment issues of mentally ill adults; provided further, that not less than \$163,000 shall be expended for western Massachusetts community enterprise programs; provided further, that not less than \$394,502 shall be expended for the lighthouse clubhouse program, so-called, in the city of Springfield; provided further, that not less than \$43,460 shall be expended for the provision of community based case management for participants in the tenant-based rental assistance program funded under HUD's Shelter Plus Care Program, administered by Quincy Interfaith Sheltering Coalition in conjunction with the Quincy Housing Authority; provided further, that any allocations from this item for services provided in the metro-Boston area, so-called, shall not cause funding decreases in other areas; provided further, that the Fairwinds clubhouse shall be allocated the same number of full time equivalent staff in fiscal year 2000 as they were in fiscal year 1999 which

	shall be reflected in their budget allocation; provided further, that not less than \$1,500,000 shall be expended for supported housing services beyond the level of services provided in fiscal year 1998; provided further, that the department shall report to the house and senate committees on ways and means on the distribution of funds per adult and child planing population, so-called, and the types of services received in each region for fiscal year 2000 not later than December 1, 1999; and provided further, that \$75,000 shall be expended for the Life Focus Center in Charlestown	\$241,864,596
5046-1000	For rental subsidies to eligible clients; provided, that the department shall establish the amounts of said subsidies so that payment thereof and of any other commitments from this item shall not exceed the amount appropriated herein. . . .	\$3,107,550
5046-2000	For homelessness services; provided, that not less than \$200,000 shall be expended for a program by project AIM, so-called, of community enterprises for residents of Berkshire county who have a dual diagnosis of major mental illness and substance abuse, and who have either been homeless or are in jeopardy of becoming homeless; provided further, that \$100,000 shall be expended for the provision of health services to the homeless and uninsured by Primary Care and Mental Health, Inc., located in the city of Lynn; and provided further, that not less than \$90,000 shall be expended for the Lighthouse Job Link Program located in the city of Springfield	\$20,646,803
5046-4000	The department of mental health is hereby authorized to expend revenues collected up to a maximum of \$125,000 from occupancy fees charged to the tenants in the creative housing option in community environments, the CHOICE program, so-called, authorized by chapter 167 of the acts of 1987; provided, that all such fees collected shall be expended for the routine maintenance and repair of facilities in the CHOICE program, so-called, including the costs of personnel	\$125,000
5046-9999	For the payment of charges assessed to the department of mental health for the payment of workers compensation, unemployment insurance, medicare taxes, health security	

plan, and the group insurance commission extended leave chargeback, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2000 all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of mental health, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established in sections 1A and 1B; and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein \$7,854,776

5047-0001 For emergency service programs and acute inpatient mental health care services; provided, that the department is authorized to continue an interagency service agreement with the division of medical assistance for the purchase of said services and for such other services as said agreement may provide, including, but not limited to, acute inpatient

care and diversionary services; provided further, that the most recent savings projection from the implementation of said agreement may be expended for community services in the MM subsidiary, so-called, of this item; provided further, that said emergency service programs shall take all reasonable steps to identify and invoice the third party insurer of all persons serviced by said programs; provided further, that the department shall report to the house and senate committees on ways and means not later than December 31, 1999, on the utilization of said emergency programs and acute inpatient beds by clients of the department during each month of fiscal year 1999; provided further, that said report shall detail the number of clients of the department determined to be eligible for the medicaid program during fiscal year 1999; and provided further, that said report shall detail expenditures made by the division of medical assistance on behalf of clients of the department and those uninsured persons not deemed to be clients of said department from the amounts appropriated in item 5047-0001 of chapter 194 of the acts of 1998 during fiscal year 1999 for said acute inpatient care and emergency services; and provided further, that not less than \$30,000 shall be expended for a pilot program of the Greater New Bedford Trauma Support Network in providing emergency clinical support services \$32,303,524

5047-0002 Notwithstanding any general or special law to the contrary, the department may expend revenues on continuing care services in the community in an amount not to exceed \$6,000,000 from increased federal reimbursements collected for services rendered in emergency programs and acute inpatient and diversionary settings; provided, that not less than an additional \$1,000,000 from said reimbursements shall be deposited in the General Fund by the close of the fiscal year 2000; provided further, that upon such deposit, the secretary of administration and finance shall certify in writing to the house and senate committees on ways and means that said amount has been deposited into the General Fund; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department

may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that the department shall submit a report to the house and senate committees on ways and means no later than February 3, 2000, detailing the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased by region, and the annualized impact of said expenditures in the subsequent fiscal year \$6,000,000

5055-0000 For forensic services provided by the department; provided, that not less than the amount expended in fiscal year 1999 shall be expended in fiscal year 2000 for mental health services at the Barnstable and Middlesex houses of correction \$7,204,565

5095-0015 For the operation of adult inpatient facilities, including the community mental health centers; provided, that the department is hereby authorized to allocate funds in an amount not to exceed \$5,000,000 from this item to item 5046-0000, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving inpatient care at said centers and facilities \$158,918,695

Department of Mental Retardation.

5911-1000 For the administration of the department of mental retardation; provided, that the department is hereby authorized and directed to conduct an investigation as to the distribution of funds among regions and report such findings to the house and senate committees on ways and means not later than December 15, 1999; and provided further, that such findings shall include, but not be limited to, any adjustments to formulas or other factors needed to provide the equitable distribution of regional funding \$5,916,062

5911-1102 For the purpose of improving the health, safety and well-being of clients of the department of mental retardation by repairs and improvements to facilities and community residences operated by the department; provided, that said

repairs and improvements shall include, but not be limited to, replacement of emergency generators, modifications for compliance with the Americans with Disabilities Act, remediating harmful environmental conditions, and repairing or replacing roofing, water, ventilation, heating and cooling systems; provided further, said department shall submit an allocation plan for the amount appropriated herein to the house and senate committees on ways and means not later than January 5, 2000; provided further, that operating funds previously budgeted in other items of appropriation for the purposes of such repairs and improvements shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that no funds appropriated herein shall be expended for routine upkeep, including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, upon the request of said department, delegate project control and supervision to said department over projects funded from this item whose estimated cost is less than \$500,000 if said commissioner determines that said department has the ability to control and supervise such project; provided further, that expenditures for said repairs and improvements may be made notwithstanding the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws whenever the total cost of such project is \$500,000 or less; provided further, that amounts allocated to projects whose total estimated cost exceeds \$500,000 shall be one-time, non-recurring expenditures, which shall remain available for expenditure until June 30, 2001; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act \$2,200,000

Tobacco Settlement Fund 100.0%

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- 5911-1210 For the costs of certifying direct care employees of private human services providers that deliver services under contract with the department of mental retardation in pharmaceutical administration; provided, that funds from this item shall be available to said providers, upon the approval of the commissioner of said department, for additional temporary staffing to ensure all direct care employees attend said certification training \$1,544,650
- 5911-2000 For transportation costs associated with the adult services program; provided, that the department shall provide transportation on the basis of priority of need as determined by the department; provided further, that not less than \$109,522 shall be expended from this item for the life focus center in Charlestown; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that transportation services are maintained throughout fiscal year 2000; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means \$24,944,007
- 5911-9999 For the payment of charges assessed to the department of mental retardation for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2000 all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of mental retardation, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the

secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established in sections 1A and 1B; and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2000; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means \$9,535,105

5920-1000 For the operation of regional and area offices of the department; provided, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2000;

provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means; and provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of service coordinators, total number of caseloads, average caseload per service coordinator, and average work time per case . . . \$44,723,940

5920-2000 For vendor-operated community-based residential adult services and for \$9,520,000 in annualized funding for Turning 22 clients who began receiving said services in fiscal year 1999 pursuant to item 5920-5000 of section 2 of chapter 194 of the acts of 1998; provided, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2000; provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department notifies the house and senate committees on ways and means; provided further, that not less than \$100,000 shall be expended for the Massachusetts Special Olympics, so-called; and provided further, that not less than \$197,000 shall be expended for increased mentor programs statewide . . . \$331,688,770

5920-2010 For state-operated community-based residential services for adults, including community-based health services for adults; provided, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2000; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department notifies the house and senate committees on ways and means . . . \$91,257,010

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- 5920-2025 For community-based day and work programs for adults and for \$2,720,000 in annualized funding for Turning 22 clients who began receiving services in fiscal year 1999 pursuant to item 5920-5000 of section 2 of chapter 194 of the acts of 1998; provided, that not less than \$402,265 shall be expended for the Life Focus Center in Charlestown, including an alternative work program; provided further, an additional \$100,000 shall be expended on a contract with Opportunity Center, Inc., so-called for enhanced or expanded services to clients; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2000; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means \$81,232,500
- 5920-3000 For respite services and for \$1,360,000 in annualized funding for Turning 22 clients who began receiving services in fiscal year 1999 pursuant to item 5920-5000 of section 2 of chapter 194 of the acts of 1998; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2000; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means \$48,006,485
- 5920-4050 For services to clients identified by the department as unserved or underserved, so-called, on the waiting list for services compiled by the department; provided, that the

	amount appropriated herein shall not annualize to more than \$27,838,105 in fiscal year 2001; provided further, that the department shall report to the house and senate committees on ways and means not later than January 1, 2000, on the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served in each region and the types of services purchased in each region; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; and provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement	\$27,838,105
5920-5000	For services for clients of the department who turn 22 years of age during state fiscal year 2000; provided, that the amount appropriated herein shall not annualize to more than \$13,600,000 in fiscal year 2001; provided further, that the department shall report to the house and senate committees on ways and means not later than January 1, 2000, on the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served in each region and the types of services purchased in each region; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2000; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means	\$6,950,000
5920-6000	For services to the older unserved; provided, that not less than \$3,500,000 shall be expended for the provision of services	

to clients who remain at home; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2000; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department notifies the house and senate committees on ways and means \$6,750,000

5920-8000 For the child and adolescent services program; provided, that the commissioner of the department of mental retardation is hereby authorized to transfer funds from this item to item 5920-8010 of section 2, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not less than \$437,000 shall be expended for support services for families of children with autism; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2000; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means \$5,130,871

5920-8010 For the residential expenses associated with school placements of children and adolescents between the ages of 4 and 21, inclusive; provided, that the commissioner of the

department of mental retardation is hereby authorized to transfer funds from this item to item 5920-8000 of section 2, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2000; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of mental retardation notifies the house and senate committees on ways and means \$361,131

5930-1000 For the operation of facilities for the mentally retarded, including the maintenance and operation of the Glavin regional center; provided, that the commissioner of the department of mental retardation is hereby authorized and directed to transfer funds from this item to items 5920-2000, 5920-2010 and 5920-2025 of section 2, as necessary, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; and provided further, that not more than \$3,000,000 shall be transferred from this item in fiscal year 2000 \$167,025,710

5982-1000 The department of mental retardation is hereby authorized to expend an amount not to exceed \$100,000 accrued through the sale of milk and other farm-related products at the Templeton Developmental Center, for program costs of said center, including supplies, equipment, and maintenance of the facility; provided, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said department may incur expenses and the

comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system. \$100,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION

6000-0100 For the office of the secretary of transportation and construction; provided, that the secretary shall collaborate with the secretary of administration and finance, the state treasurer and the executive director of the Massachusetts bay transportation authority to take all steps necessary to implement the MBTA forward funding initiative, so-called, in fiscal year 2000 in order to establish said authority as a self-financing entity not later than July 1, 2000; provided that said secretary shall direct the general manager of the MBTA to conduct a comprehensive sound study along the Red Line extension to Braintree beginning at the Neponset River Bridge and to develop a noise pollution abatement program for any residential area where the decibel level generated by train and subway operations exceeds the ambient level by ten or more decibels; provided further, that said office shall collaborate with any efforts of the department of transitional assistance to develop a program of transportation services for current and former recipients of transitional aid to families with dependent children pursuant to item 4401-1001 of section 2 of this act; provided further, that said office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program (STIP), so-called, including, but not limited to, the location of said projects, the cost of said projects, the date of advertisement of said projects, the commencement date of said projects, the projected completion date of said projects, and the source of funds for said projects; provided further, that said office shall also provide said committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims, or have been paid state reimburse-

ment; provided further, that a city or town shall comply with the procedures established by said secretary to obtain the necessary information to produce said reports; and provided further, that said reports shall include, but not be limited to, the cost of said projects by city or town, the source of funding of said projects by city or town, and the commencement and completion dates of said projects by city or town; provided further, that said office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that said reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that said reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to said funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that said reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that said reports shall list all employees who are paid from items 6000-0100, 6005-0011, 6010-0001, 6010-1000, and 6006-0003 who also receive payments from any capital funds; provided further, that said reports shall include for each of said employees how much money said employees receive from said line items and how much money each employee receives from any capital funds; and provided further, that said reports shall delineate said information for full time employees, part-time employees and contracted personnel; and provided further, that the executive office is hereby authorized and directed to conduct a study of the available methods to design and construct sound barriers along the Massachusetts turnpike as determined necessary by the Massachusetts Turnpike Authority Priority Results, in the city of Newton and the costs associated with such construction \$229,316

Highway Fund 100.0%

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- 6000-0110 The executive office of transportation and construction may expend, for the purpose of property management and maintenance of railroad properties owned by said executive office on behalf of the commonwealth, including the cost of personnel, an amount not to exceed \$27,345 from the rents and fees received pursuant to section 4 of chapter 161C of the General Laws \$27,345
- 6005-0011 For additional assistance to the Massachusetts bay transportation authority in accordance with the provisions of sections 6 and 9 of chapter 825 of the acts of 1974, as amended by section 4 of chapter 291 of the acts of 1975; provided, that the executive director of said authority shall collaborate with the secretary of administration and finance, the secretary of transportation and construction, and the state treasurer to take all steps necessary to implement the MBTA forward funding initiative, so-called, in fiscal year 2000 in order to establish said authority as a self-financing entity not later than July 1, 2000; provided further, that the authority shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile quarterly capital-funded personnel expenditure reports; provided further, that operating expenditures of said authority for calendar year 2000 shall not exceed 103 per cent of its operating expenditures for calendar year 1999; provided further, that said authority shall conduct a study of "The Ride" program, so-called; provided further, that said study shall include, but not be limited to, the number and nature of complaints, including, but not limited to complaints regarding timeliness and service, received by the authority in fiscal years 1999 and 2000 regarding "The Ride", the number of such complaints that have been resolved and number that are outstanding, an evaluation of the performance of providers of services for "The Ride" under contracts or agreements with said authority, and an analysis of ways of improving the efficiency and timeliness of service under "The Ride"; and provided further, that said report shall be submitted to the joint committee on transportation and the senate and house committees on ways and means not later than February 16, 2000; and

provided further, that the director of said authority is hereby authorized and directed to assist and make available any personnel or other resources necessary to formulate and implement plans developed in fiscal year 2000 for the forward funding initiative, so-called \$257,382,618

Local Aid Fund	40.0%
General Fund	40.0%
Highway Fund	20.0%

6005-0012 For certain debt service contract assistance to the Massachusetts Bay Transportation Authority in accordance with the provisions of section 28 of chapter 161A of the General Laws \$282,454,112

Local Aid Fund	40.0%
General Fund	40.0%
Highway Fund	20.0%

6005-0015 For certain assistance to the regional transit authorities, including operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program, and the intercity bus capital assistance program; provided, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 1999 and ending June 30, 2000, may enter into contracts with the authorities; provided further, that notwithstanding the provisions of section 152A of chapter 161, and of section 23 of chapter 161B of the General Laws, at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 1999 shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon said cities and towns shall be at least 25 per cent of said net cost of service; provided further, that in the event that 25 per cent of said net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service, for which said cities and towns have not previously been assessed, as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its

operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal year 2000 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 1999; provided further, that for the purposes of this item operating expenditures shall not include federal, private or additional municipal non-state revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act or any new services in an amount not to exceed a total of \$3,613,905 for the 15 regional transit authorities; provided further, that said new services must first receive approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of said new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides said new services must file a report to the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with said new service; provided further, that the cost of said new services shall not annualize to more than \$3,613,905; provided further, that not later than January 1, 2000, each of the 15 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing any and all revenues collected as a result of services provided pursuant to item 4401-1001; provided further, that the secretary of administration and finance and the secretary of transportation and construction, in cooperation with the 15 regional transit authorities, shall conduct a study of the feasibility of restructuring the commonwealth's financing of regional transit authorities; and provided further, that said study shall be submitted to the joint committee on transportation and the house and senate committees on ways and means no later than February 28, 2000; and provided further, that the Pioneer Valley Regional Transit Authority shall maintain an express bus route from the city of Springfield to the Hampden county house of correction \$40,192,108

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	Local Aid Fund	40.0%	
	General Fund	40.0%	
	Highway Fund	20.0%	
6005-0017	For certain payments to cities and towns as authorized by clause (c) of section 13 of chapter 64A, section 13 of chapter 64E, and section 14 of chapter 64F of the General Laws; provided, that the amounts appropriated herein are in full satisfaction of the amounts payable pursuant to said clauses for fiscal year 2000; and provided further, that funds herein may be used for the lease, purchase and maintenance of vehicles for use in road maintenance, and for costs incurred for the removal of snow and ice		\$43,472,110
	Highway Fund	100.0%	
6005-0018	For additional contract assistance to be allocated by the Massachusetts bay transportation authority for the net additional expense of commuter rail service provided to and on behalf of the regional transit authorities and cities and towns outside the Massachusetts bay transportation authority district for fiscal year 1999, including funds for the net additional expense of bus service provided to and on behalf of the regional transit authorities and cities and towns outside said district for fiscal year 2000, in the amounts determined to be appropriate by the secretary of administration and finance, on the recommendation of the secretary of transportation and construction; provided, that said additional expense of bus service shall not exceed \$2,250,000, in accordance with the provisions of section 28A of chapter 161A of the General Laws as amended in section 45 of chapter 811 of the acts of 1985; and provided further, that not less than \$17,500 shall be made available for a commuter boat service between Hull and Boston		\$15,978,283
	Local Aid Fund	40.0%	
	General Fund	40.0%	
	Highway Fund	20.0%	
<i>Massachusetts Aeronautics Commission.</i>			
6006-0003	For the administration of the commission, including the expenses of the commissioners		\$618,027
	Local Aid Fund	100.0%	

Department of Highways.

- 6010-0001 For personnel services of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the highways commissioner, the division of administrative services, highway engineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment, the maintenance and operation of state highways and bridges, and for workers' compensation related expenditures as defined by the (D15) object code of the DD subsidiary, so-called, on the Massachusetts management accounting reporting system for employees of the department; provided, that funds appropriated herein shall be the only source of funding for all overtime expenses associated with the department's snow and ice control efforts; provided further, that the department shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile the monthly reports required pursuant to item 6000-0100 with respect to the statewide transportation improvement program (STIP) and chapter 90 programs, so-called; provided further, that the department shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile quarterly capital-funded personnel expenditure reports; provided further, that notwithstanding the provisions of any administrative bulletin, general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to the provisions of section 36A of chapter 30 of the General Laws and section 22 of chapter 7 of the General Laws, but shall submit to the secretary of transportation and construction for approval requests to repair vehicles costing in excess of the limit set forth in said section 22 of said chapter 7; and provided further, that the department

shall provide the house and senate committees on ways and means a quarterly report of repairs requiring said secretary's approval; provided further, that not more than \$80,000 shall be expended for an engineering and financial feasibility study of constructing a pedestrian overpass near the Roosevelt elementary school over route 60 in the city of Malden; provided further, that not more than \$200,000 shall be expended for the design and installation of traffic control signals at the intersection of County, Chance and Mason roads in the town of Freetown; provided further, that not more than \$50,000 shall be expended for traffic improvements at the intersection of the state highway known as Route 113 and Tyler street in the town of Methuen; provided further, that not more than \$150,000 shall be expended for a one-time grant to the town of Princeton for improvements and reconstruction of the Wachusett mountain road, so-called, in order to facilitate access to the recreational areas of the Wachusett mountain region; provided further, that not more than \$80,000 shall be expended on the study and design of a pedestrian underpass under the Mystic Wellington bridge on route 28 in the city of Somerville; provided further, that not more than \$2,100,000 shall be expended for the Chestnut street turn-back project, so-called in the town of Needham; provided further, that not more than \$15,000 shall be expended for a 1-directional opticum in the town of Westborough; provided further, that not more than \$390,000 shall be expended for a one-time reimbursement to the town of Burlington for work completed on Wayside road on the behalf of the Massachusetts highway department; provided further, that \$50,000 shall be expended for emergency signs for evacuation from Cape Cod in the case of emergencies; and provided further, that \$1,300,000 shall be expended to reimburse the town of Georgetown for projects undertaken pursuant to section 70 of chapter 11 of the acts of 1997 and section 2A of chapter 205 of the acts of 1996 \$57,375,080

Highway Fund 100.0%

6010-1000 For the costs of routine highway maintenance provided by private and union workers in contract areas, 1A, 1B, 2A,

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2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B and 5C, so-called, and for costs associated with police services and overtime within said areas; provided, that \$90,000 shall be made available for all contractual contingency costs associated with highway maintenance in said areas; provided further, that no additional funds made available to the department, either directly or indirectly, including capital, trust, or other funds, shall be used to supplement or supplant the funds for said contract areas appropriated herein; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials, and vehicle repair \$24,581,273

Highway Fund 100.0%

6030-7201 For the cost of hired and leased equipment, so-called, used for snow and ice control; provided, that no funds appropriated herein shall be used for materials, overtime costs or vehicle repair related to snow and ice control \$6,727,688

Highway Fund 100.0%

6030-7211 For vehicle repair directly associated with department snow and ice control equipment; provided, that no funds appropriated herein shall be used for materials, overtime costs or hired or leased equipment related to snow and ice control. \$175,000

Highway Fund 100.0%

6030-7221 For the cost of sand, salt, and other control chemicals used for the purpose of snow and ice control; provided, that no funds appropriated herein shall be used for hired or leased equipment, overtime costs or vehicle repair related to snow and ice control \$5,886,473

Highway Fund 100.0%

6037-0010 For construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws; provided, however, that a city or town shall comply with the procedures established by the department of highways; provided further, that any such city or town is hereby authorized to appropriate for such projects

amounts not in excess of the amounts provided to such city or town under this item; provided further, that said appropriation shall be considered as an available fund upon the approval of the commissioner of revenue pursuant to section 23 of chapter 59 of the General Laws; and provided further, that the commonwealth shall reimburse said city or town under this item within 30 days of receipt by the department of a request for reimbursement from such city or town, which request shall include certification by such city or town that actual expenses have been incurred on projects eligible for reimbursement under this item, and that the work has been completed to the satisfaction of such city or town according to the specifications of said project and in compliance with applicable law and said procedures established by the department \$50,000,000
Highway Fund 100.0%

BOARD OF LIBRARY COMMISSIONERS.

7000-9101 For the operation of the board of library commissioners \$1,138,447
Local Aid Fund 100.0%

7000-9401 For state aid to regional public libraries; provided, that the board of library commissioners may provide quarterly advances of funds for purposes authorized by clauses (1) and (2) of section 19C of chapter 78 of the General Laws, as it deems proper, to regional public library systems throughout each fiscal year, in compliance with the office of the comptroller's regulations on state grants, 815 CMR 2.00; provided further, that notwithstanding the provisions of section 19C of chapter 78 of the General Laws or any other general or special law to the contrary, the Boston public library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to 96.35 cents per resident in the commonwealth; provided further, that notwithstanding the provisions of any general or special law to the contrary, no regional public library shall receive any money under this item in any year when the appropriation of the city or town where such regional public library is located is below an amount equal to 102.5 per cent of the average of the appropriations for free public

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	library service for the three years immediately preceding; and provided further, that notwithstanding the provisions of this item, the board of library commissioners may grant waivers, in a number not to exceed one-tenth the number permitted pursuant to the second paragraph of section 19A of said chapter 78, to any library not receiving funds as a library of last recourse for a period of not more than one year	\$16,845,377
	Local Aid Fund	100.0%
7000-9402	For the talking book library at the Worcester public library	\$224,978
	Local Aid Fund	100.0%
7000-9406	For the braille and talking book library at Watertown, including the operation of the machine lending agency	\$1,503,919
	Local Aid Fund	100.0%
7000-9501	For state aid to public libraries; provided, that notwithstanding the provision of any general or special law to the contrary, no city or town shall receive any money under this item in any year when the appropriation of said city or town for free public library services is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the three years immediately preceding; provided further, that notwithstanding the provisions of this item, the board of library commissioners may grant waivers permitted pursuant to the sixth paragraph of section 19A of chapter 78 of the General Laws to any library not receiving funds as a library of last recourse for a period of no more than one year; provided further, that notwithstanding the provisions of any general or special law to the contrary, of the amount by which said item exceeds the amount appropriated in chapter 194 of the acts of 1998, \$1,500,000 shall be distributed under the guidelines of the municipal equalization grant program, so-called and \$1,500,000 shall be distributed under the guidelines for the library incentive grant program so-called; and provided further, that any payment made under this appropriation shall be deposited with the treasurer of such city or town and held as a separate account and shall be expended by the public library of such city or town without appropriation, notwithstanding the provisions of any general or special law to the contrary	\$9,899,804

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Local Aid Fund	100.0%
7000-9506 For the telecommunications expenses of automated resource sharing networks and their member libraries	\$4,420,235

OFFICE OF LABOR, EDUCATION AND WORKFORCE DEVELOPMENT.

Department of Labor and Workforce Development.

7002-0100 For the administration of the department of labor and workforce development including the divisions under the control of the department; provided, that \$635,002 shall be expended from this item for the GG subsidiary costs, so-called, of the board of conciliation and arbitration, the division of apprentice training, the labor relations commission, and the division of occupational safety; provided further, that funds shall be expended from this item for the deputy director of workforce development; provided further, that on January 4, 2000 and April 1, 2000, said deputy director shall submit to the house and senate committees on ways and means a comprehensive report describing in detail the job training services, including labor exchange, skills training and remedial education services related thereto which have been provided during the course of the fiscal year in the commonwealth, describing the systems for delivery of such services, describing the costs of such services and the sources of revenue for such services; and provided further, that not less than \$87,000 shall be expended for a full-time AFL-CIO rapid response labor specialist	\$1,262,755
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7003-0400 For a program to provide comprehensive re-employment assistance for dislocated workers, so-called, whose unemployment status is due to a plant closing or layoff; provided, that said assistance shall be provided in conjunction with any applicable federal funds granted to the state for related assistance; provided further, that the corporation for business, work and learning shall submit quarterly reports to the house and senate committees on ways and means on the number of persons in each service delivery area served by said program, on the number of people provided with training, retraining, education, support or rapid response services, and on the number of people placed in jobs as a result of said services	\$377,000
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- 7003-0500 For the economic stabilization trust established pursuant to chapter 23D of the General Laws, and for a re-employment assistance program established pursuant to section 71D of chapter 151A of the General Laws; provided, that a report of all revenues, expenditures, assets and liabilities of said program and of said trust shall be filed quarterly with the secretary of administration and finance and the house and senate committees on ways and means; provided further, that none of the funds appropriated herein shall support the costs of administrative services; and provided further, that said funds may be used to provide working capital and related assistance to defense-dependent firms and to leverage federal matching funds authorized pursuant to Title IX of the public works and economic development act of 1965, as amended \$605,400
- 7003-0601 For the summer jobs youth-at-risk program, including the costs of administration; provided, that service levels shall be developed so as not to exceed the appropriation made available herein; provided further, that the same number of youths shall be served in fiscal year 2000 that were served in fiscal year 1999; provided further, that not more than \$3,050,000 of the amount appropriated herein shall be expended prior to June 1, 2000; and provided further, that expenditures made from this item shall be structured so that funding provided herein shall not annualize to an amount greater than \$3,050,000 in fiscal year 2001, prior appropriation continued \$3,050,000
- 7003-0603 For school-to-work connecting activities, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, the department of labor and workforce development, in cooperation with the board of education and the MassJobs council, is hereby authorized to establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that said program may include the award of matching grants to regional employment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided

further, that said grants shall require at least a 200 per cent match in wages for said students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job, and to work closely with teachers; provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job; provided further, that not less \$87,000 shall be expended for the purpose of an AFL-CIO school-to-work labor liaison, so-called; and provided further, that said positions shall facilitate the involvement of organized labor and the comprehensive initiative known as school-to-work, which prepares students to enter the workforce through a combination of classroom and work-based programs \$5,000,000

7003-0700 For grants administered by the corporation for business, work and learning to secure employment, training and counseling for workers; provided, that not less than \$450,000 shall be expended for E-team machinist training program in the city of Lynn; provided further, that no less than \$174,000 shall be expended for an incumbent worker training specialist within the Massachusetts AFL-CIO; provided further, that not less than \$122,000 shall be expended for AFL-CIO rapid response labor specialists; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program, so-called; provided further, that the office of employee involvement and ownership shall report by February 1 of each year to the joint committee on commerce and labor and the house and senate committees on ways and means on the degree to which the goals of section 17 and 18 of chapter 23D of the General Laws have been implemented, on the identification of barriers to implementation and with a plan for implementation consistent with said chapter and section; provided further, that a report of all revenues, expenditures, assets and liabilities of said corporation shall be filed quarterly with the secretary of administration and finance and the house and senate committees on ways and means; provided further, that the initial report of the

corporation shall project spending for each state-funded program anticipated to be administered by the corporation in fiscal year 2000 which shall be delineated according to the expenditure classification schedule established by the comptroller, and for each subsequent report, actual expenditures for each such program according to said classification schedule; provided further, that each such report shall further establish the indirect and direct administrative costs assessed by said corporation against each such program and a brief description of the purpose and performance objectives of each grant or contract awarded or issued by said corporation to third party vendors, contractors or other entities for each such state-funded program; provided further, that said corporation shall remain a quasi-public corporation; provided further, that not less than \$125,000 shall be allocated to Teamsters Local 25 for workforce development initiatives; provided further, that not less than \$30,000 shall be expended for a contract with child and family services of Cape Cod, so-called, for a pilot program to provide comprehensive education, training and supportive services for parents and their children and provided further that not less than \$25,000 shall be expended for the contract to the northeast textile association for a Massachusetts textile consortium for the purpose of developing and planning a model employee training program for textile employees \$1,053,000

7003-0701 For grants and technical assistance administrated by the division of employment and training, pursuant to the provisions of section 2RR of chapter 29 of the General Laws and for the cost of collecting the assessment established in section 14L of chapter 151A of the General Laws; provided, that not more than \$3,000,000 shall be expended for direct technical assistance pursuant to paragraph (2) of subsection (b) of section 2RR of chapter 29 of the General Laws \$18,000,000
Workforce Training Fund 100.0%

7003-0801 For the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers or persons receiving benefits from transitional aid to families with dependent

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	children program; provided, that funds may be expended from this item for under-employed workers	\$150,000
7003-0803	For the one-stop career centers; provided, that not more than \$2,750,000 shall be expended for the one-stop career centers that were in existence on May 1, 1997 which are located in the Boston, Hampden county and the Metro North service delivery areas, so-called, and any satellite offices thereof which opened on or before December 1, 1997; and provided further, that not less then \$1,000,000 shall be expended for one-stop career centers that opened after January 1, 1999	\$3,750,000
7003-0900	For the tactical training initiative, so-called	\$524,421
7003-0901	For a summer jobs youth-at-risk program; provided, that no funds appropriated herein shall be allotted or disbursed prior to the receipt of equal matching funds from private sources to any entity or municipality eligible for or requesting funds from this item; provided further, that an allotment and disbursement plan shall be submitted to the house and senate committees on ways and means prior to the expenditure of any funds appropriated herein; provided further, that funds appropriated herein shall cover expenditures through the extended account payable period of fiscal year 2000; provided further, that not more than \$825,000 of the amount appropriated herein shall be expended prior to June 1, 2000; and provided further, that expenditures made from this item shall be structured so that funding provided herein shall not annualize to an amount greater than \$825,000 in fiscal year 2001, prior appropriation continued	\$825,000
7003-1000	For the workforce development initiative; provided, that the strategic planning committee of said council shall make recommendations relative to the use of said funds subject to approval by the full MassJobs council; provided further, that the executive committee of the MassJobs council shall approve the use of said funds should the full council be unable to approve the use of said funds in a timely manner; provided further, that each of the 16 regional employment boards shall receive not less than \$75,000 in fiscal year 2000; provided further, that the MassJobs council is hereby authorized and directed to expend not less than \$150,000	

for the consumer provider program operated by CASCAP, Inc. in collaboration with Bunker Hill Community College for the training of men and women with psychiatric disabilities to become part-time employees at health and human services agencies within the commonwealth; provided further, that not less than \$150,000 shall be expended for the western Massachusetts enterprise fund and JVS microenterprise program as the supplemental match to conduct an entrepreneurial training program for income eligible residents; provided further, that not less than \$100,000 shall be provided to the Massachusetts maritime academy for a training and work program in maritime trades, including but not limited to sailing, seamanship and nautical training; provided further, that the MassJobs council shall expend not less than \$60,000 for the business/community college worker training program to be operated by the Cape Cod chamber of commerce economic development division; provided further, that the Cape Cod, Martha's Vineyard and Nantucket regional employment board shall oversee and make recommendations regarding said program; provided further, that not less than \$165,000 shall be expended to fund a program at the Massachusetts AFL-CIO to support and coordinate labor representation on the regional employment boards in the state's-workforce development system; provided further, that not less than \$75,000 shall be expended for the career beginning program, so-called, at Worcester state college in the city of Worcester; provided further, that not less than \$100,000 shall be expended for the refugee and immigrant self-sufficiency program, so-called, at the university of Massachusetts at Lowell; provided further, that not more than \$400,000 shall be expended for the Massachusetts career development institute; provided further, that not less than \$125,000 shall be obligated as final payment for the support of programs operated by a farm workers' organization serving low income persons and the Hispanic population of western Massachusetts; provided further that said organization shall submit a plan to the house and senate committees on ways and means, not later than December 1, 1999, detailing how said

	organization's funding will be maintained in fiscal year 2001; and provided further, that not less than \$50,000 shall be provided to the vocational adjustment center in Brighton for the purpose of assisting in the provision of employment opportunities for adults with developmental disabilities	\$2,575,000
7003-2000	For a workforce training tracking and evaluation system pursuant to section 328 of this act	\$100,000
7003-2055	For the youth, senior service, and conservation group corps program, including the costs of administration; provided, that not more than \$200,000 shall be expended for the administration of the Massachusetts service alliance; provided further, that not less than \$7,500 shall be provided for the bonnie brea camp, so-called, in the city of Gardner. . . .	\$1,500,000

Division of Apprentice Training.

7002-0101	For the operation of the apprentice training program; provided, that no position in the apprentice training division shall be subject to chapter 31 of the General Laws	\$323,544
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Division of Occupational Safety.

7002-0200	For the operation of the industrial safety program	\$1,191,498
7002-0400	For the operation of the occupational hygiene program; provided, that the division may employ staff not subject to chapter 31 of the General Laws for a program to evaluate asbestos levels in public schools and other public buildings. . . .	\$1,078,911

Division of Industrial Accidents.

7002-0500	For the operation and administrative expenses of the division of industrial accidents; provided, that \$800,000 shall be expended for occupational safety training grants; provided further, that said division shall submit a report not later than February 1, 2000 to the house and senate committees on ways and means detailing the scope, objective, and results of said grant recipients' safety training program; provided further, that funds appropriated herein in excess of the fiscal year 1999 spending level for said grants shall be a one-time fiscal year 2000 expense; provided further, that the general fund shall be reimbursed the amount appropriated herein and for associated indirect and direct fringe benefit costs from assessments levied pursuant to	
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section 65 of chapter 152 of the General Laws; provided further, that the division shall assign a judge to hear cases in the county of Berkshire not less than once a month; and provided further, that said division is hereby directed to cooperate and respond to all legislative committee requests for information \$18,072,014

Labor Relations Commission.

7002-0600 For the operation of the labor relations commission; provided, that \$20,000 shall be expended for the purpose of maintaining a satellite office in the Springfield state office building \$1,143,004

Joint Labor Management Committee.

7002-0700 For the operation of the joint labor management committee \$452,934

Board of Conciliation and Arbitration.

7002-0800 For the operation of the board of conciliation and arbitration. \$740,919

Division of Employment and Training.

7003-0810 For the welfare-to-work skills plus program to be administered by the division of employment and training; provided, that said program shall serve only recipients of the transitional aid to families with dependent children program; and provided further, that any career center, so-called, receiving funds through said program shall each submit individual quarterly reports to the house and senate committees on ways and means listing the number of said recipients placed in jobs and remaining in such jobs for at least 60 days due to the efforts of said career centers \$2,000,000

Department of Housing and Community Development.

7004-0001 For the Indian affairs commission \$92,275

7004-0002 For the urban initiative fund, a loan and grant program for inner-city neighborhoods, for the purposes of education, job training, business development, health care, day care, youth activities, including athletic and recreation programs, violence and crime prevention, and housing; and provided further, that said urban initiative fund shall be administered by the community development finance corporation pursuant to section 137 of chapter 133 of the acts of 1992 \$500,000
Local Aid Fund 100.0%

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7004-0003	For the West Broadway task force, so-called, to provide certain tenant services	\$125,000
	Local Aid Fund	100.0%
7004-0089	For state financial assistance in the form of grants to municipalities for economic development and community development; provided, that the department of housing and community development may apply the criteria for the award of such grants established pursuant to section 57A of chapter 121B of the General Laws for any grant awards not otherwise provided for in this item; provided, that sums appropriated herein may be transferred to other items of appropriation; provided further, that not more than \$190,000 shall be expended for a one-time grant to the Allston-Brighton community development corporation for the purpose noise barriers and beautification projects in areas adjacent to the Massachusetts turnpike in the neighborhood of Allston-Brighton in the city of Boston; provided further, that not more than \$250,000 shall be expended for the rehabilitation of property within the city of Lawrence; provided further, that \$200,000 shall be obligated to the town of North Brookfield for the demolition and site remediation at the Aztec Industry Site, so-called; provided further, that not more than \$35,000 shall be expended for the demolition of abandoned buildings, which pose a serious health and safety risk, at 1551, 1553 and 1555 Main street in the city of Worcester; provided further, that not more than \$50,000 shall be expended for the consolidation of functions and other improvements to public buildings in the town of Dennis; provided further, that not more than \$62,000 shall be expended for the construction of an intergenerational community playground at the Davis community playground in the city of Newton; provided further, that \$336,000 shall be expended for the demolition or structural reinforcement of the Bolivar street public works garage in the town of Canton; provided further, that not more than \$100,000 shall be expended for renovations in order to comply with the Americans with Disabilities Act, so-called, for the Veterans Memorial stadium in the town of Rockland; provided further, that not more that \$100,000 shall be expended for the Hollis street	

project, so-called, in the town of Framingham; provided further, that not more than \$700,000 shall be expended for a matching grant to the city of Fitchburg for the urban renewal program, so-called; provided further, that not less than \$750,000 shall be expended for the demolition and development of property in the city of Lawrence; provided further, that not less than \$750,000 shall be expended for the demolition and site remediation of the Phototech site building, so-called, in the town of Williamstown; provided further, that a grant for not less then \$75,000 shall be expended for phase one of the Acushnet Downtown Revitalization Project; provided further that said municipality shall provide a one third match; provided further, that a grant of not less than \$100,000 shall be made to the city of New Bedford for the purchase of the Merchants Bank, so-called, for the establishment of the Herman Melville Society and Whaling Museum Art Exhibit; and provided further, that a grant for not less then \$75,000 shall be given to the Town of Dartmouth for improvements, clean up and upgrading of the Ledge Property, so-called, and surrounding area \$3,773,000

7004-0099 For the operation of the department; provided, that, notwithstanding the provisions of any general or special law to the contrary, the department of housing and community development is hereby authorized to make expenditures for the purposes of said department against federal grants for certain direct and indirect costs pursuant to a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall establish and designate an account on the Massachusetts management accounting and reporting system for the purpose of making such expenditures; provided further, that expenditures made against said account shall not be subject to appropriation and may include the cost of personnel; provided further, that said department shall submit quarterly reports to the house and senate committees on ways and means on object code expenditures made against said account; and provided further, that not less than \$10,000 shall be expended for the expenses of the manufactured home commission established by section 108 of chapter 6 of the General Laws,

	including, but not limited to travel, postage, advertising and printing	\$7,698,986
7004-0200	For the municipal assistance program to provide management incentive grants, technical assistance and training for municipal governments to provide cost effective and efficient delivery of local services, including regionalization of services; provided, that said incentive grants may be utilized for the purchase of computer hardware and equipment; provided further, that funds appropriated in this item may be provided in advance; provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees; provided further, that \$50,000 shall be expended for a study to be conducted by the north shore chamber of commerce to examine and develop cost savings measures through the regionalization of services in Essex county; provided further, that \$100,000 shall be expended for a one-time grant to the town of Weymouth to assist in transitioning to a new form of government; provided further, that \$100,000 shall be provided to the city of Lawrence for technical consulting services in the deliverance of city services; provided further, that \$50,000 shall be provided to the city of Lynn for technical consulting services in the deliverance of city services; provided further, that \$50,000 shall be provided to the city of Methuen for technical consulting services in the deliverance of city services; and provided further, that \$100,000 shall be provided to the city of Brockton for technical consulting services in the deliverance of city services	\$1,000,000
	Local Aid Fund	100.0%
7004-1966	For the loan program established pursuant to section 197E of chapter 111 of the General Laws for lead abatement throughout the commonwealth; provided, that the terms and conditions of such loans will be based on income eligibility criteria and include terms and plans that allow low- and moderate- income individuals to defer loan repayment until transfer of the property; provided further, that funds made available herein shall be administered by the department of housing and community development in consultation with the department of public health; provided	

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	further, that funds shall be disbursed from this item on a quarterly basis subject to a disbursement plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that such disbursements shall be made upon demonstration of need by the entity selected by the department to implement the program funded herein; and provided further, that funds received for the repayment of loans made under the provisions of this item may be retained and expended without further appropriation for the loan program established pursuant to said section 197E of said chapter 111	\$4,500,000
7004-2025	For the Massachusetts Neighborhood Crime Watch Commission	\$119,359
7004-2027	For community economic development; provided, that grants may be awarded to not-for-profit community-based organizations; provided, that not more than \$50,000 shall be expended in grants to the community technology centers at the Commonwealth housing development and at the Jackson-Mann community center; provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees; and provided further that not less than \$50,000 shall be expended for well development and an irrigation system for recreational areas in Hanson	\$1,900,000
	Local Aid Fund	100.0%
7004-2475	For the home ownership opportunity affordable housing program; provided, that all sums appropriated herein shall be used to write down interest rates on soft second mortgage loans, so-called, for low and moderate income first-time home buyers	\$4,000,000
7004-3036	For housing services to provide assistance through community-based organizations to low-income tenants in privately-owned housing, and to landlords to maintain such housing; provided further, that not less than \$141,000 shall be expended for the just a start corporation, so-called to administer a housing stabilization and conflict management services program to prevent homelessness; provided further, not less then \$40,000 shall be expended for one-time technical assistance for the Walden square apartment	

	tenants in the city of Cambridge, so-called; and provided further, that no funds shall be expended from the AA subsidiary, so-called, of this item for the compensation of state employees	\$446,000
7004-3040	For a scattered site transitional housing program for victims of domestic violence and families; provided that the department of housing and community development shall collaborate with the department of social services to ensure that participants in battered women's programs are provided with information regarding local transitional housing resources; and provided further, that said program shall assist victims of domestic violence in finding and maintaining permanent housing	\$900,000
7004-4314	For the expenses of a service coordinators program established by the department to assist tenants residing in housing developed pursuant to sections 39 and 40 of chapter 121B of the General Laws to meet tenancy requirements in order to maintain and enhance the quality of life in said housing	\$650,000
7004-8878	For the private rental housing development action loan program; provided, that notwithstanding the provisions of any general or special law to the contrary, no new commitments, contracts, or renegotiations of existing contracts shall be entered into during fiscal year 2000 or any subsequent fiscal year	\$2,260,849
7004-9003	For a pilot program to provide housing units to homeless individuals; provided, that grants shall be awarded on a competitive basis, pursuant to criteria established by the department of housing and community development, to regional non-profit housing associations, so called, to provide housing units for up to one year to homeless individuals who are working to transition into private housing; and provided further, that the department of housing and community development shall submit on or before April 1, 2000 to the house and senate committees on ways and means a report detailing all expenditures of said program, including, but not limited to, the recipient of the funds, the costs administration, the development of units, and any other related costs of said program	\$1,250,000

7004-9004 For a program to enable households in state-assisted public housing to transition to unsubsidized housing options in the private market; provided, that up to 5,000 qualified households residing in chapter 200 or chapter 705 state-assisted housing developments shall be allowed to participate in a voluntary program that allows a portion of a household's rental payments to a housing authority to be placed in escrow accounts for the purpose of making said transition affordable, including, down payment costs, closing costs, first and last month's rent, security deposit, moving costs, and appliances necessary for occupancy; provided further, that the department, subject to appropriation, shall contribute one dollar for every two dollars of rental payment placed by a household in such an escrow account which shall inure to the benefit of the household; provided further, that the amount of said rental payments eligible to be placed in said escrow accounts shall consist of the savings in rent payments derived by allowing an adjustment to a household's income for purposes of computing rent for the amounts withheld from a household's earned income for (1) state and federal income tax withholding payments and (2) payments for Social Security, FICA, or other retirement deductions and (3) other deductions as may be allowed by law or regulation consistent with the provisions of this item; provided further, that in promulgating regulations that allow a household's income to be so adjusted for the calculation of rental payments, said department shall establish a uniform method for calculating the amount of rent adjustments allowable under said program; provided further, that said regulations shall not include in said calculation the amounts withheld from a dependent's income nor shall the income of any such dependent be subject to escrow; provided further, that a household participating in said program shall agree in writing to the minimum amount needed to be held in escrow in order to provide for said affordable transition and to a maximum amount to be held in said escrow account; provided further, that in no event, shall the amount of any escrow account exceed \$10,000; provided further, that rental payments held in escrow for a

household that elects not to make said transition pursuant to the written agreement or which is evicted by a housing authority for any reason shall be repaid to the housing authority and the commonwealth for the value of any rent subsidy provided to said household and the matching contribution paid by the department; provided further, that a household that loses eligibility for state-assisted public housing due to increased income earnings shall use the amount held in escrow for the purposes of transition housing costs; provided further, that the use of escrowed rental payments by a household for said transition costs shall be verified by the household and any funds not used for transition costs shall be recovered by the housing authority; provided further, that, notwithstanding the provisions of any general or special law to the contrary, households shall not be eligible for public housing within two years of the date of making said transition; provided further, that said department shall select not more than five housing authorities that demonstrate a willingness and capability to participate as demonstration sites for said program; provided further, that said authorities may, for the purposes of administrative efficiency, maintain a centralized escrow account in lieu of separate accounts for each participating household; provided further, that detailed accounting records shall be maintained for each participating household by a housing authority that establishes such a centralized escrow account; provided further, that said housing authorities shall take all steps to invest said escrow accounts in investment vehicles that maximize the interest earned on said escrow accounts; provided further, that said housing authorities may retain not more than 20 per cent of any such interest earned on rental payments held in escrow to offset the costs of administering said program; provided further, that the remaining interest earnings shall be credited to the escrow account of a household; provided further, that the department shall require said housing authorities to obtain the social security numbers of households participating in said program to verify household income and deductions with the department of revenue and other parties; provided

further, that rental payments held in escrow shall be treated as deductible rent for purposes of calculating Massachusetts personal income taxes pursuant to subparagraph (9) of paragraph (a) of part B of section 3 of chapter 62 of the General Laws; provided further, that notwithstanding the provisions of any general or special law to the contrary, the release of escrow payments to a household, including interest earned thereon and the value of the matching contribution, shall not create any tax liability for such a household; provided further, that a tax liability shall be created in the event that a household does not elect to make said transition pursuant to said written agreement; and provided further, that said department is hereby authorized to transfer funds provided herein to item 7004-9005 in section 2 of this act for the purposes of supplementing rental funds directed toward said pilot program \$500,000

7004-9005 For subsidies to housing authorities and nonprofit organizations for deficiencies caused by certain reduced rentals in housing for the elderly, handicapped, veterans and relocated persons pursuant to sections 32 and 40 of chapter 121B of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, all housing authorities operating elderly public housing are authorized and directed to offer first preference for elderly public housing units which are vacant as of the effective date of this act, and thereafter, to those persons 60 years of age or older on June 30, 1995, receiving rental assistance from the Massachusetts rental voucher program; provided further, that the department of housing and community development shall enforce compliance by local housing authorities with said provisions, and is hereby authorized to take such actions as it deems necessary, including requiring regular, current reports by housing authorities and non-profit organizations operating such public housing, to insure compliance in a timely and equitable manner; provided further, that said department may expend funds appropriated herein for deficiencies caused by certain reduced rentals which may be anticipated in the operation of housing authorities for the first quarter

of the subsequent fiscal year; provided further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve and capital reserve included in the budgets of housing authorities; provided further, that no funds shall be expended from this item for the compensation of state employees; provided further, that the amount appropriated herein shall be deemed to meet any and all obligations pursuant to said sections 32 and 40 of said chapter 121B; and provided further, that any new reduced rental units developed in fiscal year 2000 eligible for subsidies pursuant to this item, shall not cause any annualization that results in an amount exceeding the amount appropriated herein \$32,273,920

Local Aid Fund 100.0%

7004-9024 For a program of rental assistance for families and elderly persons of low income through mobile and project based vouchers pursuant to a program of housing assistance consistent with the program requirements established by the federal government for the program authorized by Public Law 98-181, Section 207; provided, that in emergency situations, subject to the approval of the director of the department, for the purpose of providing housing vouchers to eligible households currently occupying project-based units, so-called, the leases of which have expired due to the non-renewal of project-based rental assistance contracts; provided further, that at the discretion of the director, on a case by case basis, the department shall utilize all otherwise available funds, appropriated herein, to increase the rental subsidy at eligible project-based developments, so-called; provided further, that the department shall submit a report to the house and senate ways and means committees, not later than January 4, 2000, detailing the department's guidelines for assessing emergency situations involving the conversion of project-based vouchers, so-called, to mobile vouchers, so-called, and the eligibility of a project-based development to receive a rental subsidy increase in fiscal year 2000; provided further, that the department shall submit quarterly reports to the house and senate ways and means committees detailing the number of project-based vouchers, so-called, which have been con-

verted to mobile vouchers, so-called, and the number of project-based developments that have elected or are at risk of non-renewal of the rental assistance contract; provided further, that there shall be no further, payments made under said chapter 707 program, so-called, or under said program of housing assistance consistent with the requirements established by the federal government for the program authorized by Public Law 98-181, Section 207, which state program was known as the state housing voucher program, so-called; provided further, that rental assistance shall only be paid pursuant to a program to be known as the Massachusetts rental voucher program, as such program may hereafter be amended by the department of housing and community development; provided further, that the income of said households shall in no event exceed 200 per cent of the federally-established poverty level; provided further, that any household, in which a participant or member of a participant's household in the Massachusetts rental voucher program shall fail to provide his or her social security number for use in verifying the household's income and eligibility, shall no longer be eligible for a voucher or to receive benefits pursuant to the Massachusetts rental voucher program; provided further, that the director of said department as a condition of continued eligibility for a voucher and voucher payments, may require disclosure of social security numbers by participants and members of participants' households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices in the commonwealth; provided further, that said vouchers shall be in varying dollar amounts and set by the director based on considerations, including, but not limited to, family size and composition, family income levels, and geographic location; provided further, that notwithstanding the provisions of any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of such mobile vouchers, so-called, or such project-based vouchers, so-called; provided further, that any household which is proven to have caused intentional damages to their rental

unit in an amount exceeding two month's rent during any one year lease period shall be terminated from the program; provided further, that notwithstanding the provisions of any general or special law to the contrary, a mobile voucher whose use is discontinued on or after December 1, 1999 shall be reassigned in a timely fashion; provided however, that the subsidy, including administrative fee, of the reissued vouchers may not exceed the funds appropriated herein; provided further, that the number of rental vouchers financed through this item shall not exceed the number of such vouchers financed on said date; provided further, that the department shall conduct outreach efforts to families and individuals in homeless shelters to increase awareness of the vouchers; provided further, that an allowance not to exceed \$25 per voucher per month shall be determined and paid by said department for administration of the rental assistance program; provided further, that said costs of administration shall not exceed 6 per cent of the appropriation provided herein; provided further, that said 6 per cent shall include, but not be limited to, all expenditures which may be made by the director to conduct or otherwise contract for rental voucher program inspections; provided further, that under no circumstances shall subsidies be reduced for the cost of accommodating the cost of said inspections; provided further, that notwithstanding any provision of law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, so-called, or project-based voucher, so-called, but each household shall pay at least 30 per cent of income as rent; provided further, that said department shall establish the amounts of the mobile vouchers, so-called, and the project-based vouchers, so-called, so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that said department shall not enter into commitments which will cause it to exceed the appropriation set forth herein; provided further, that the amount of a rental assistance voucher payment for an eligible household shall not exceed the rent less the household's minimum rent obligation;

provided further, that the word "rent" as used in this item shall mean payments to the landlord or owner of a dwelling unit pursuant to a lease or other agreement for a tenant's occupancy of the dwelling unit, but shall not include payments made by the tenant separately for the cost of heat, cooking fuel, and electricity; provided further, that upon vacancy of a project-based dwelling unit, households holding mobile vouchers, so-called, shall have priority for occupancy of said project-based dwelling units; provided further, that said department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12 month contract which shall be executed by the participant and the department; provided further, that such obligations may include, but need not be limited to, job training, counseling, household budgeting, and education, to the extent that appropriate programs, as defined in regulations promulgated by the department of housing and community development, are available; provided further, that each participant shall be required to undertake and meet any such obligation as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute any such 12 month contract on or before September 1, 1999 if his or her annual eligibility recertification date occurs between June 30, 1999 and September 1, 1999 and otherwise on or before his or her annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is handicapped may be exempted from any obligations unsuitable under his or her particular circumstances; provided further, that the department of housing and community development shall submit an annual report to the secretary of administration and finance and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers, and the number and types of units leased; and provided further, that no funds shall be expended from the AA subsidiary, so-called, of this item for the compensation of state employees \$32,617,701

7004-9027 For state housing assistance for rental production (SHARP)

contracts with sponsors of rental housing projects financed through the Massachusetts housing finance agency, established pursuant to chapter 708 of the acts of 1966, in the form of a loan by the commonwealth to facilitate the construction or rehabilitation of rental housing projects pursuant to the provisions of section 7 of chapter 574 of the acts of 1983; provided, that notwithstanding the provisions of section 27 of chapter 23B or sections 26 and 27 of chapter 29 of the General Laws to the contrary, the department may enter into such contracts for terms not exceeding 15 years with annual payment obligations not to exceed \$27,184,019; provided further, that notwithstanding the provisions of any general or special law to the contrary, no new commitments shall be entered into during fiscal year 2000 for said fiscal year or any subsequent fiscal years; provided further, that the director of said department is hereby authorized and directed to review all amounts disbursed through this program in the five fiscal years previous to the effective date of this act and to recover all excess funds disbursed; and provided further, that the director shall file a report with the house and senate committees on ways and means, detailing the recovery of said overpayments and recommending alternative uses for said amounts \$27,184,019

7004-9030 For the transitional rental assistance program established pursuant to chapter 179 of the acts of 1995; provided, that notwithstanding the provisions of any general or special law to the contrary, said transitional rental assistance shall be in the form of mobile vouchers, so-called; provided further, that said vouchers shall be in varying dollar amounts and set by the director on considerations including, but not limited to, household size and composition, household income and geographic location; provided further, that any household which is proven to have caused intentional damages to their rental unit in an amount exceeding two month's rent during any one year shall be terminated from the program; provided further, that said department shall pay agencies that administer said program an allowance not to exceed \$25 per voucher per month for the costs of administration; provided further,

that notwithstanding the provisions of any general or special law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, so-called, but each household shall be required to pay not less than 25 per cent of their net income, as defined in regulations promulgated by said department, for units if utilities are not provided by the unit owner, or not less than 30 per cent of their income for units if utilities are provided by the unit owner; provided further, that payments for said transitional rental assistance may be provided in advance; provided further, that said department shall establish the amounts of the mobile vouchers, so-called, so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that said department shall not enter into commitments which will cause it to exceed the appropriation set forth herein; provided further, that the amount of a rental assistance voucher payment for an eligible household shall not exceed the rent less the household's minimum rent obligation; provided further, that the word "rent" as used in this item shall mean payments to the landlord or owner of a dwelling unit pursuant to a lease or other agreement for a tenant's occupancy of the dwelling unit, but shall not include payments made by the tenant separately for the cost of heat, cooking fuel, and electricity; provided further, that said department shall submit an annual report to the budget director, the secretary of administration and finance, and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers, and the number and types of units leased; provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to any form of housing; provided further, that consistent with chapter 179 of the acts of 1995 the amount appropriated herein shall not annualize to more than \$4,000,000 in fiscal year 2001; and provided further, that said program shall provide funding for not more than 800 mobile vouchers, so-called \$4,000,000

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7004-9101	For federally aided urban renewal community development; provided, that no new contracts shall be entered into during fiscal year 2000	\$2,519
	Local Aid Fund	100.0%
7004-9102	For non-federally aided urban renewal community development; provided, that no new contracts shall be entered into during fiscal year 2000	\$138,450
	Local Aid Fund	100.0%
7004-9108	For urban revitalization and development projects authorized pursuant to section 54 of chapter 121B of the General Laws; provided, that notwithstanding the provisions of sections 53 or 57 of said chapter 121B to the contrary, such funds may be provided to any agency of a city or town designated by the chief executive officer to act on behalf of the city or town; provided further, that no new commitments shall be entered into during fiscal year 2000; and provided further, that not less than \$118,000 and not more than \$200,000 shall be expended for grants to the city of Pittsfield	\$2,441,500
	Local Aid Fund	100.0%
7004-9201	For interest subsidies for the private development of affordable housing; provided, that notwithstanding the provisions of any general or special law to the contrary, no new commitments shall be entered into during fiscal year 2000 for said fiscal year or any subsequent fiscal years	\$8,166,571
7004-9315	For the low income housing tax credit program; provided, that the department may expend an amount not to exceed \$1,000,000 accrued from fees collected for the regulation of TELLER, so-called, projects undertaken pursuant to paragraph (m) of section 26 of chapter 121B of the General Laws, from fees collected pursuant to Executive Order No. 291, pertaining to low-income housing tax credits, and from fees collected pursuant to the rental housing development action loan program, for the costs of administering and monitoring said programs, including the costs of personnel, subject to the approval of the director of said department; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies	

between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system, prior appropriation continued \$1,000,000

OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION.

7006-0000 For the office of the director of consumer affairs and business regulation, including expenses of an administrative services unit; provided, that said director shall submit to the house and senate committees on ways and means documentation detailing the purpose, current fiscal year cost and annualization costs for supplemental budget requests for said office of the director or any office or agency under its administration within five days of the filing of any such supplemental request by the governor; and provided further, that said office may enter into an interagency service agreement with the department of public health and the division of medical assistance for the annualized costs of the ombudsman for managed care, so-called \$1,577,500

Division of Banks.

7006-0010 For the operation of the division of banks; provided that, notwithstanding the provisions of any general or special law to the contrary, the commissioner of said office is hereby authorized and directed to levy in said fiscal year a one-time special assessment in the amount of \$277,000 which shall recover the overtime costs associated with financial institution examinations relative to the year 2000 readiness examination procedures, so-called; and provided further, that recovery of said overtime costs shall be made against all banking and financial institutions subject to said examination \$10,617,573

Division of Insurance.

7006-0020 For the operation of the division of insurance, including the additional costs associated with maintaining accreditation by the national association of insurance commissioners, the expenses of the board of appeal on motor vehicle policies

and bonds, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter 31 of the General Laws; provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section 1 of chapter 5 of the General Laws; provided further, that the division shall maintain a phone system in its western Massachusetts office that will immediately transfer calls made to that office to the consumer assistance office in Boston during any business hours when the western Massachusetts office is closed; provided further, that the division shall have an employee or other such person answering all initial incoming telephone calls, excluding all direct in-dial calls, between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the division shall designate an employee to handle all incoming calls relative to chapter 218 of the acts of 1995 or regulations promulgated under section 2 of said chapter 218; and provided further, that notwithstanding the provision of any general or special law to the contrary, not more than \$1,449,522 of the amount appropriated herein from the Division of Insurance Trust Fund shall be subject to fringe recovery pursuant to section 5D of chapter 29 of the General Laws. . . . \$9,532,012

General Fund	33.39%
Highway Fund	22.26%
Division of Insurance Trust Fund	44.35%

Division of Registration.

7006-0040 For the operation and administration of the division of registration; provided, that of the funds appropriated herein, sufficient monies shall be expended for the reduction of case backlog at the boards of registration including, but not limited to, the board of registration in nursing; provided further, that said division is hereby directed to provide a report detailing how the amount appropriated herein is projected to alleviate the complaint backlog of said division and said nursing board; provided further, that said

division shall submit said report to the house and senate committees on ways and means on or before February 15, 2000; provided further, that the division shall at all times employ not less than two hearing officers to facilitate the processing of cases pending before the various boards within said division; provided further, that the position of investigator of radio and television technicians shall not be subject to chapter 31 of the General Laws; provided further, that the division shall maintain and staff an office in the city of Springfield; and provided further, that \$100,000 shall be expended to implement and administer the certification of pharmacy technicians by the board of registration in pharmacy \$7,080,270

7006-0050 For the costs of personnel, administration, information technology, equipment, newsletter and other essential spending of the board of registration in nursing which shall be in addition to funds made available to said board in item 7006-0040 \$484,474

Division of Standards.

7006-0060 For the operation of the division of standards; provided, that not less than \$438,000 shall be used to provide financial assistance to eligible local or regional agencies for item pricing enforcement, so called, by the division; and provided further, that not more than \$100,000 shall be used for item pricing enforcement conducted by the division \$1,327,370

General Fund 77.40%

Local Consumer Inspection Fund 22.60%

Department of Telecommunications and Energy.

7006-0070 For the operation and administration of the department of telecommunications and energy including the community antenna television division; provided, that notwithstanding the provisions of the second sentence of the first paragraph of section 18 of chapter 25 of the General Laws, the assessments levied pursuant to said first paragraph of said section 18 of said chapter 25 for fiscal year 2000 shall be made at a rate sufficient to produce \$7,776,530; provided further, that the department shall maintain a toll free consumer access telephone number to facilitate state-wide citizen access on customer service issues in the

delivery of cable television services; provided further, that the department shall submit a report by January 17, 2000 to the secretary of administration and finance and the house and senate committees on ways and means detailing audit procedures and the criteria used in fiscal year 1999 by the commission to determine which costs are in fact stranded; and provided further, that said report shall include, but not be limited to, a description of all costs reviewed as stranded, the aggregate value of all denied stranded cost claims, the percentage of all such claims that were denied, and the value of all such denied claims as a percentage of all reviewed claims \$7,776,530

7006-0080 For the operation of the transportation division \$680,618

7006-0090 The department of telecommunications and energy may expend revenues collected up to \$350,000 for the operation of the energy facilities siting commission \$350,000

Alcoholic Beverages Control Commission.

7006-0100 For the operation and administration of the alcoholic beverages control commission; provided, that the commission is hereby authorized and directed to take all steps necessary, up to and including amending its regulations, to eliminate duplication of tasks currently performed by the commission which are also performed by the cities and towns, including but not limited to the performance of investigations \$1,229,128

State Racing Commission.

7006-0110 For the operation of the state racing commission \$3,589,581

Board of Registration In Medicine

7006-0130 For the operation and administration of the board of medicine and the committee on acupuncture; provided, that the board of registration of medicine shall prepare a semi-annual report detailing the total number of cases referred to and investigated by the board, the resolution of such cases, the number of cases assigned to each investigator and the difference in caseload of each investigator as compared to the caseload of each investigator in the previous six-month period; provided further, that the board shall submit each such report to the house and senate com-

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mittees on ways and means, the joint committee on health care and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases, so-called, describing incidents involving correctable medical error that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid error; provided further, that the board shall submit said compilation to the house and senate committees on ways and means, the joint committee on health care, the commissioner of the department of public health and shall make said compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the Commonwealth; and provided further, that such compilation shall not include the names of the health care providers, hospitals or pharmacies involved in the incidents described therein \$1,985,658

7006-0135 For the costs of the physician profile program, so-called; provided, that in the event that expenditures and encumbrances for the purpose of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 7006-0130 to this item to ensure that the physician profile program, so-called, is maintained throughout fiscal year 2000 \$247,000

Division of Energy Resources

7006-1000 For the operation and administration of the division of energy resources \$1,037,841

7006-1001 For the residential conservation service program pursuant to chapter 465 of the acts of 1980, and the commercial and apartment conservation service program pursuant to section 11A of chapter 25A of the General Laws \$191,888

Department of Economic Development.

7007-0100 For the office of the director of the department of economic development \$418,468

7007-0104 For a grant for regional economic development projects related to the Mystic Valley development commission established by section 11 of chapter 294 of the acts of 1996. . . . \$800,000

Local Aid Fund	100.0%
7007-0300	For the operation of the Massachusetts office of business development, and for marketing and promoting the commonwealth in order to attract and retain targeted businesses and industries; provided, that said office shall file a report with the house and senate committees on ways and means not later than January 15, 2000 which shall identify those companies that contact said office in response to direct mail and marketing campaigns, and which of said companies relocate to the commonwealth; and provided further, that said office shall maintain business development assistance services at an office to be located at the university of Massachusetts Dartmouth for the purposes of responding to inquiries and providing assistance to businesses seeking to expand in or relocate to southeastern Massachusetts; \$3,308,626
7007-0350	For manufacturing assistance services to be administered by the Massachusetts office of business development; provided, that said funds shall be expended to assist manufacturing extension services, alternative deployment pilot projects, total quality management projects, technology access programs, shop floor management projects, year 2000 compliance projects, so-called, and other technology deployment programs; provided further, that said services shall include the operation of the Massachusetts manufacturing partnership; provided further, that said partnership shall provide written notification to the house and senate committees on ways and means within 10 days of receiving confirmation of any federal or private funding for said partnership; provided further, that the amount expended on statewide oversight of said partnership by said office shall not exceed \$112,500 of the amount appropriated herein; provide further, that the administrative expenses of the regional offices of said partnership shall not exceed 15 per cent of total operating expenses for said partnership; provided further, that manufacturing services funded by this item shall support the Massachusetts networks program of matching grants to industry associations for increased awareness and collaboration within manufactur-

ing; provided further, that said network funding may be used for one-time grants for specific technical manufacturing assistance projects which shall be subject to a 100 per cent cash match; provided further, that any organization receiving network grants from this item shall not expend more than 15 per cent of any grant for the cost of administrative services; provided further, that the amount expended on statewide oversight of said manufacturing networks program by said office shall not exceed \$110,000 of the amount appropriated in item 7007-0300; and provided further, that said office shall establish rules and regulations relative to the award of said grants which shall encourage the self-sufficiency of said organizations after three years of receiving state financial assistance \$1,740,000

7007-0400 For economic development grants to regional and special purpose non-profit entities to be administered by the Massachusetts office of business development; provided, that said grants shall be subject to 100 per cent matching funds, of which not less than 50 per cent shall be in the form of cash; provided further, that said organizations shall not expend more than 15 per cent of any grant for the cost of administrative services; provided further, that said organizations shall be required, as a condition of receiving said grant, to submit to said office a copy of independently audited financial statements for the three most recent fiscal years and, for the current and next fiscal year, a total operating budget which shall identify each source and use of operating and capital funds, and an operating plan which shall demonstrate how said grant generates measurable economic development in the commonwealth; provided further, that said office shall reserve the right to withhold said grants if the conditions outlined herein are not met; provided further, that not less than \$350,000 shall be obligated to the western Massachusetts precision institute for year three of a three year grant to expand the machinist training program and to extend such services into central Massachusetts; provided further, that not less than \$100,000 shall be expended for the initiative known as the I-495 campaign for shared solutions, so-called; provided

further, that no town or municipality's zoning or planing bylaws shall be superseded by any action of said campaign; provided further, that not less than \$200,000 shall be expended for the Massachusetts ventures corporation in the Pioneer Valley region; provided further, that not less than \$150,000 shall be expended for the center for advanced fiberoptic applications in Southbridge; provided further, that the matching funds required of said fiberoptic center shall be from federal sources; provided further, that not less than \$100,000 shall be expended for the Massachusetts council for quality; provided further, that not less than \$195,000 shall be expended for the center for women and enterprise; provided further, that said center shall dedicate the equivalent of one full-time employee to seek federal funding support; provided further, that said center shall file a report not later than January 15, 2000 with said office which shall detail the federal funding options and applications available; provided further, that not less than \$60,000 shall be expended for year three of a three year grant for the economic development activities of the Blackstone Valley development corporation; provided further, that not less than \$100,000 shall be expended for the Cape Cod economic development council, inc.; provided further, that not less than \$200,000 shall be expended for the Massachusetts fisheries recovery commission; provided further, that not less than \$525,000 shall be expended for minority economic and community development public and non-profit grants to community-based organizations for implementation; provided further that not less than \$150,000 shall be expended for minority, economic and community development at the Martin Luther King, Jr. empowerment center in the city of Worcester; and provided further, that said office of business development shall submit to the house and senate committees on ways and means a schedule of grants distributed to said community-based organizations from this item not later than March 1, 2000 \$2,130,000

7007-0500 For the operation and maintenance of the Massachusetts bio-technology research institute for the purpose of promoting

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- the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth \$1,000,000
- 7007-0515 For grants to be allocated by the department in support of regional redevelopment projects in the commonwealth; provided, that \$175,000 of the amount appropriated herein shall be expended for a grant to the Devens enterprise commission established pursuant to chapter 498 of the acts of 1993; provided further, that said commission shall take all steps necessary to be self-sufficient by July 1, 2001; and provided further, that not less than \$275,000 shall be expended for a grant to the South Shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998 \$450,000
- 7007-0800 For a grant for the state match for a small business development center; provided, that no funds shall be expended from this item until such time as the United States Small Business Administration has made a payment or executed a contract with the University of Massachusetts at Amherst for the operation of said center; provided further, that the funds expended from this item shall not exceed 25 per cent of the gross operating cost of said center; provided further, that not more than \$300,000 of the amount appropriated herein shall be expended for the purpose of establishing federal procurement technical assistance services within said center; provided further, that said services shall include, but not be limited to, assisting businesses in securing federal contracts, obtaining contract financing, generating responses to requests-for-proposals, interpreting bid documents, providing educational workshops and seminars, and the electronic identification and tracking of federal bid opportunities; provided further, that the expenditure of said \$300,000 shall be subject to the receipt of matching funds from federal or private sources including the department of defense; and provided further, that quarterly expenditure reports shall be filed with the house and senate committees on ways and means \$1,196,448
- 7007-0900 For the operation and administration of the office of travel and tourism; provided, that performance-based standards shall

be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that not more than \$2,000,000 of the amount appropriated herein shall be expended for international marketing and tourism promotion and administration; provided further, that expenditures on international and domestic promotion and administration shall be separately accounted for in MMARS, so-called; provided further, that said office shall be required to make travel arrangements for all international travel not less than seven days prior to departure; and provided further, that said office shall dedicate one full-time equivalent employee to the advisory commission on travel and tourism \$10,414,069

Massachusetts Tourism Fund 100.0%

7007-0950 For grants to public and private non-profit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that recipients shall match the amount of said grants 100 per cent, of which not less than 50 per cent shall be in the form of cash; provided further, that said organizations shall be required, as a condition of receiving said grant, to submit a total operating budget which shall identify each source and use of operating and capital funds, and an operating plan which shall demonstrate how said grant promotes tourism; provided further, that said organizations shall be required to minimize, to the maximum extent possible, the overhead costs associated with the expenditure of said grant; provided further, that said office shall reserve the right to withhold said grants if the conditions outlined herein are not met; provided further, that a grant for not less than \$200,000 shall be expended for the Baystate games, so-called; provided further, that notwithstanding the provisions of any general or special law to the contrary, a grant of \$250,000 shall be transferred from this item to the Massachusetts office of business development for the south coast economic development initiative that promotes regional tourism and economic development that a grant for not less than \$100,000 shall be expended for the Freedom Trail Foundation; provided further, that a grant

for not less than \$450,000 shall be expended for costs incurred by the Massachusetts sports partnership, Inc.; provided further, that a grant for not more than \$16,000 shall be expended for Lexington 2000, so-called; provided further, that a grant for not less than \$60,000 shall be expended for the purposes of jointly maintaining the Plymouth rest area, so-called, by the Cape Cod chamber of commerce and the Plymouth County development council; provided further, that a grant for not less than \$10,000 shall be expended for the purpose of maintaining the Yarmouth rest area, so-called, by the Yarmouth chamber of commerce; provided further, that a grant for not less than \$30,000 shall be expended for the purposes of maintaining the Bourne rest area, so-called, by the Cape Cod chamber of commerce; provided further, that a grant for not less than \$25,000 shall be expended for the purposes of the Cape Cod mall visitors information center, so-called, by the Cape Cod chamber of commerce; provided further, that a grant for not less than \$25,000 shall be expended for the purposes of the operation of the Route 6 and Route 132 visitors information center in the town of Yarmouth, so-called, by the Cape Cod chamber of commerce; provided further, that a grant for \$40,000 shall be expended for the Cape Cod chamber of commerce's visitor information network system; provided further, that not less than \$250,000 shall be expended for the first of two grants for the whaling museum in the city of New Bedford; provided further, that said office shall establish rules and regulations relative to the award of said grants which shall encourage the self-sufficiency of said organizations after three years of receiving state financial assistance; provided further, that \$500,000 of the amount appropriated herein shall be allocated to the Massachusetts department of highways through an interagency service agreement for the purposes of installing and enhancing informational and directional tourism signage on state highways; provided, that said department shall consult with said office and the department of economic development in identifying priority locations for signage that will facilitate the ease of travel and convenience for visitors to

the commonwealth; provided further, that said departments shall collaborate on a report to be submitted to house and senate committees on ways and means not later than January 12, 2000 that shall detail signage improvements projected to be made from said amount and additional priority locations for which signage improvements are needed; provided further, that \$500,000 of the amount appropriated herein shall be obligated for the costs of extending the hours of operation for highway tourist information centers operating year-round on state highways and federally-assisted highways, including the visitor information centers on Boston Common and at the Prudential Center, both in the city of Boston; provided further, that said office, in cooperation with the department of economic development, shall establish an application process which shall award not more than one grant to each highway tourist information center for the purpose of extending the operation of said centers to at least 10 p.m. during the tourism season; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, so-called, regional tourist councils, so-called, and other public or private funding sources; and provided further, that said office shall file a report with house and senate committees on ways and means not later January 12, 2000 which shall detail the amount and intended use for each center grant \$2,456,000

Massachusetts Tourism Fund 100.0%

7007-0960 For competitive grants to be awarded by the Massachusetts office of travel and tourism in consultation with the regional tourist councils, so-called, to regional and special purpose non-profit organizations for innovative approaches to advertising, promoting, and generating tourism in the commonwealth; provided, that said funds shall be awarded based upon competitive applications from said organizations which shall be submitted to and evaluated by said councils on behalf of said office; provided further, that said office shall retain authority to award said grants after receiving grant recommendation from said councils and

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the director of the department of economic development; provided further, that recipients shall match the amount of said grants 100 per cent, of which not less than 50 per cent shall be in the form of cash; provided further, that said organizations shall not expend more than 20 per cent of any grant for the cost of administrative services; provided further, that said organizations shall be required, as a condition of receiving said grant, to submit a total operating budget which shall identify each source and use of operating and capital funds, and an operating plan which shall demonstrate how said grant promotes tourism; provided further, that said office shall reserve the right to withhold said grants if the conditions outlined herein are not met; and provided further, that said office shall file an annual report with house and senate committees on ways and means not later than the third Wednesday in January detailing the amount and intended use for each grant \$1,289,931

Massachusetts Tourism Fund 100.0%

7007-0970 For the administration of the Massachusetts film office to be funded through the office of travel and tourism; provided, that not less than \$130,000 of the amount appropriated herein shall be expended for advertising and promoting motion picture film production in the commonwealth, of which \$30,000 shall be expended for a south coast promotional program, so-called; provided further, that said film office shall do outreach to all cities and towns in the commonwealth to identify and locate possible locations to be included in the fee-free location program, so-called; and provided further, that said office shall report to the house and senate committees on ways and means on or before January 15, 2000 a list of the communities and locations that have been added to said program since July 1, 1999 \$680,000

Massachusetts Tourism Fund 100.0%

7007-1000 For assistance to local tourist councils pursuant to section 14 of chapter 23A of the General Laws; provided, that notwithstanding the provisions of any general or special law, regulation or rule to the contrary, each of said councils may expend an amount not to exceed 20 per cent of the grant it receives herein for the cost of administrative services \$7,049,000

	Massachusetts Tourism Fund	100.0%
7007-1200	For a program to create and maintain a more favorable and responsive environment for the attraction and retention of technology-intensive clusters, so-called, for the commonwealth; provided, that such clusters may be characterized by technological or market focus, geographic proximity, or other shared interests; provided further, that cluster activities shall be deemed to be the exercise of an essential governmental function intended to (1) foster increased collaboration among cluster organizations; (2) facilitate improved communications between the commonwealth and cluster organizations; (3) identify and respond to challenges and opportunities related to cluster organizations; (4) enhance the competitive position of cluster firms; (5) reduce the costs of doing business in the commonwealth through one or more purchasing cooperatives; (6) generally improve the perception of the value and benefits of doing business in the commonwealth; and (7) facilitate the development of a workforce educated in math, science, engineering, and technology; provided further, that the amount appropriated herein shall be obligated to the Massachusetts technology collaborative of the Massachusetts technology park corporation; provided further, that in support of the purposes of this item, said corporation shall expend \$200,000 for the initiative known as the Berkshire connect; provided further, that said corporation shall provide support and assistance to the initiative known as the engineering in Massachusetts collaborative; provided further, that said initiatives shall seek to achieve financial and organizational independence from said corporation; provided further, that in the support of said purposes, said corporation shall leverage all available public and private financial resources; provided further, that said corporation shall develop a plan by which the services and programs of the initiative known as engineering in Massachusetts collaborative, the initiative known as project RE-SEED, and the retirees' School Volunteer Association and the partnership advancing learning mathematics and science and community service projects, PALMS, so-called, will	

be effectively coordinated; provided further that said plan shall be presented to the board of the Massachusetts technology collaborative, the senate and house committees on science and technology, the joint committee on education and the senate and house committees on ways and means not later than January 15, 2000; and provided further, that said corporation shall file a report by February 15, 2000 with department of economic development, the house and senate committees on science and technology, and the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein \$1,200,000

7007-1300 For the operation of the Massachusetts international trade council; provided, that said office shall dedicate not less than two full-time trade specialists to the Massachusetts export center, so-called; provided further, that one of said specialists shall operate within said center in the city of New Bedford; provided, that not less than \$165,000 shall be expended for a grant to the international trade assistance center in Fall River, so-called; provided, that said grant for said assistance center shall be administered on behalf of said council by the department of economic development; provided further, that in administering said contract said department shall incorporate performance based standards which shall seek to maximize each dollar expended for the services of said assistance center; provided further, that said grant shall be subject to 100 per cent match funds, of which not less than 50 per cent shall be in the form of cash; provided further, that said assistance center shall be required, as a condition of receiving said grant, to submit to said office a copy of independently audited financial statements for the three most recent fiscal years and, for the current and next fiscal year, a total operating budget which shall identify each source and use of operating and capital funds, and an operating plan which shall demonstrate how said grant generates measurable international trade promotion in the commonwealth; provided further, that said department shall reserve the right to withhold said grant, on behalf of said council, if the conditions outlined

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	herein are not met	\$1,113,000
	Massachusetts Tourism Fund	100.0%
7007-1500	For the operation and administration of the state office of minority and women business assistance; provided, that said office is hereby authorized and directed to create and administer an electronic business certification application which shall be accessible to business applicants through use of the internet, so-called; provided further, that said office shall ensure the integrity and security of personal and financial information transmitted by said electronic application; provided further, that said office is directed, using all existing available resources, to provide certification services within each of the one-stop regional assistance centers, so-called, of the Massachusetts office of business development; and provided further, that said office shall develop and implement measures and procedures to continue to improve the efficiency and the timeliness of the certification process	\$661,671

Department of Education.

7010-0005	For the operation of the department of education; provided, that not less than \$100,000 shall be expended for staff and support services for the education reform and review commission established pursuant to the acts of 1993; and provided further, that not less than \$150,000 shall be expended from the amount appropriated herein for the office of school readiness established pursuant to section 28 of this act	\$9,779,190
7010-0012	For grants to cities, towns, or regional school districts for payments of certain costs incurred under the program for the elimination of racial imbalance; provided, that grants to a city, town, or regional school district shall be limited to actual and specifically documented incremental costs including those costs pursuant to chapter 71B of the General Laws incurred as a direct consequence of participation in the program whenever the reimbursements requested by such city, town, or regional school district exceed the level of reimbursement received in fiscal year 1977; and provided further, that the division of elementary, secondary, and occupational education shall, through a competitive	

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	procurement process, contract with qualified school transportation business enterprises	\$12,371,328
	Local Aid Fund	100.0%
7010-0016	For the attracting excellence to teaching program established pursuant to section 19A of chapter 15A of the General Laws; provided, that not less than \$300,000 shall be expended for grants to new teachers; and provided further, that the department of education shall aggressively advertise the availability of said program to prospective applicants	\$1,200,000
	Local Aid Fund	100.0%
7010-0017	For grants to charter schools; provided, that the board of education may award grants to charter schools established pursuant to section 89 of chapter 71 of the General Laws; provided further, that said grants shall be awarded to support costs associated with planning and development of said schools and for the leasing or construction of school facilities; provided further, that charter schools shall submit requests for said grants to the board of education; and provided further, that grants shall be awarded pursuant to guidelines developed by said board	\$2,847,290
	Local Aid Fund	100.0%
7010-0042	For grants to cities, towns, or regional school districts for the cost of providing magnet educational programs in accordance with the provisions of sections 37I and 37J of chapter 71 of the General Laws; provided, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that any portion of this appropriation may be expended by the state board of education to purchase the services of magnet educational programs; and provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein. ...	\$4,800,000

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	Local Aid Fund	100.0%	
7010-0043	For grants for the equal education improvement fund for cities, towns, or regional school districts pursuant to the provisions of section 1I of chapter 15 of the General Laws; provided, that notwithstanding the provisions of said section 1I or section 37D of chapter 71 of the General Laws, pupils qualifying for funding under the equal education improvement fund shall also include those of Hispanic and southeast Asian origin; provided further, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special laws to the contrary; and provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein		\$8,448,000
	Local Aid Fund	100.0%	
7027-0002	For the commonwealth's share of the first year local assessments for the Essex Independent Agricultural and Technical Institute, so-called, pursuant to section 17 of chapter 34B, as inserted by section 53 of this act; provided, however, that funds not to exceed \$25,000 shall be made available to the task force created pursuant to section 23 of chapter 74A, as inserted by section 53 of this act, for the purpose of studying the feasibility of a potential merger or consolidation of programs with said institute and the North Shore regional vocational school district; and provided, further, that such study shall include, but not be limited to, a review of curricula and programs, joint facility requirements and enrollment projections		1,275,000
	Local Aid Fund	100.0%	
7027-0016	For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for said programs in consultation with the department		

	of labor and workforce development; provided further, that any funds distributed from this item to cities, towns, or regional school districts shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding the provisions of any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that not more than \$592,800 shall be made available for the state's matching grant for the CS-squared program, so-called, at the Corporation for Business, Work, and Learning; and provided further, that not less than \$1,124,950 shall be made available to Jobs for Bay State Graduates, Inc., so-called, for the purpose of school-to-work activities	\$1,891,800
	Local Aid Fund	100.0%
7027-1000	For the state matching requirement of the partnerships advancing learning mathematics and science and the community service projects	\$2,057,621
	Local Aid Fund	100.0%
7027-2001	For a one-time payment to the Essex independent agricultural school for the establishment of a capital reserve facilities account; provided, that any amount appropriated herein shall be recovered by the commonwealth pursuant to the provisions of chapter 34B of the General Laws, as inserted by section 53 of this act; provided further, that repair projects deemed necessary for public safety shall receive priority over other repair projects; provided further, that no funds may be expended from this item unless approved by the department of education; and provided further, that the board of trustees of said agricultural school must first file a spending plan detailing proposed projects to be funded from this item and estimated costs of said projects with the department of education by February 1, 2000	\$1,500,000
7028-0031	For the expenses of school age children in institutional schools pursuant to section 12 of chapter 71B of the	

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General Laws; provided, that the department is authorized to provide special education services to eligible inmates in county houses of correction \$9,327,681

Local Aid Fund 100.0%

7028-0302 For the educational expenses of certain school aged children with special needs attending schools pursuant to the provisions of section 10 of chapter 71B of the General Laws, for the educational expenses of school age children with special needs attending day or residential programs who have no father, mother or guardian living in the commonwealth, and for expenses relating to the provision of special education to certain children transferred by other state agencies to the department of education; provided, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein \$3,829,424

Local Aid Fund 100.0%

7030-1000 For grants to cities, towns, regional school districts, educational collaboratives, head start programs, and licensed day care providers for early care and education programs, pursuant to the provisions of section 54 of chapter 15 of the General Laws; provided, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without municipal appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that notwithstanding the provisions of said section 54 of said chapter 15, school districts and head start agencies that served as lead agencies in fiscal year 1999 shall receive the same amounts, subject to the same conditions as in said fiscal year; provided further, that in any city or town in which there was only one lead agency in fiscal year 1995, such lead agency shall serve as lead agency to submit proposals pursuant to said section 54 of said chapter 15; provided further, that in addition to services provided by head start

pursuant to this item in fiscal year 1999, not less than an additional \$2,000,000 shall be made available for services provided by head start agencies pursuant to the provisions of said section 54 of said chapter 15 in fiscal year 2000; provided further, that the department shall not enter into any grants that would cause annualized costs for this item to exceed the amount appropriated herein; provided further, that the amount by which the funds appropriated in this item exceed the amount appropriated in item 7030-1000 of chapter 60 of the acts of 1994 shall be used to provide services to the children of working parents; provided further, that in allocating said funds and evaluating grant applications, the board of education shall give priority consideration to three and four year old children in cities and towns where high concentrations of low income working families reside; provided further, that not less than one-third of the total slots funded by said amount by which the funds appropriated in this item exceed the amounts appropriated in item 7030-1000 of said chapter 60 shall be for full-day, full-year care that meets the needs of working parents; provided further, that notwithstanding the provisions set forth herein or any general or special law to the contrary, \$10,000,000 shall be allocated for services which shall be provided to three and four year old children on the wait list maintained by the office for child care services; provided further, that the department of education shall ensure that community partnership lead agencies collaborate with the department of education and the office for child care services to provide services for said children; provided further, that said children shall retain priority status for future services available through said office upon attaining the age of five, notwithstanding the receipt of services funded through this item; provided further, that the department shall collaborate with the department of transitional assistance to ensure that the expenditure of \$20,000,000 for the community partnerships program shall conform with federal maintenance of effort reporting requirements of the transitional aid to needy families block grant; provided further, that in addition to funds provided

to family networks, so-called, pursuant to this item in fiscal year 1999, not more than an additional \$2,000,000 shall be made available for family networks; provided further, that not less than \$1,000,000 shall be expended for school wide early literacy education programs for grades K through 5, and such programs shall evaluate and track all students' reading and writing skills annually for at least three years, shall include measurable goals and benchmarks, shall include a home book program or other program for parental involvement in reading and writing instruction and shall be led by a school based planning team which includes teaching faculty and the school principal and shall include a school wide literacy coordinator who shall be a full time teacher who shall coordinate and train other school staff; provided further, that such grants shall include funding for up to one-half of the salary of the literacy coordinator and shall be targeted for elementary schools with low cumulative grade four MCAS scores; provided further, that not less than \$1,500,000 shall be expended for early intervention individual tutorial literacy programs designed as a pre-special education referral and short term intervention for children who are at risk of failing to read in the first grade; provided further, that such programs shall be research based with proven long term results, including identifying students in need of additional help no later than mid-first grade, providing ongoing training and support to program teachers and including ongoing documentation and evaluation of results; provided further, that \$250,000 shall be made available from this item for a pilot program that involves students from the University of Massachusetts at Lowell and community Teamwork, Inc. in the provision of child care services; provided further, that not more than \$250,000 shall be made available for costs associated with the consolidation of the Quincy Community Action Program, Inc. head start program; and provided further, that \$748,142 of the amount appropriated herein may be expended for the administration of community partnerships for children and for the administration of family networks \$119,690,771

Local Aid Fund 100.0%

7030-1002 For kindergarten development grants; provided, that the department of education shall administer a grants program to encourage the voluntary expansion of high quality, full day kindergarten education throughout the commonwealth; provided further, that grants of not more than \$18,000 per classroom shall be made available to public schools for the enhancement of existing full day kindergarten classrooms and for the transition of existing half day kindergarten classrooms into full day kindergarten classrooms; provided further, that not later than February 1, 1999, said department shall establish grant guidelines, which shall include, but not be limited to, deadlines for grant applications and awards, eligibility criteria, allowable grant expenditures and grant recipient obligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full day kindergarten; provided further, that said guidelines shall require grant recipients to identify the anticipated date by which the implementation of enhancement or transition projects will commence; provided further, that grants shall not annualize to more than \$18,000 per classroom in subsequent fiscal years; provided further, that in the case of transition grants, preference shall be given to applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts Comprehensive Assessment System exam, so-called, as determined by the department based on available data; provided further, that of the total amount appropriated herein, not more than \$16,840,000 shall be made available for said enhancement grants; provided further, that not more than \$3,980,000 shall be made available for said transition grants; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement and

shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not later than March 1, 1999, said department shall report to the house and senate committees on ways and means on the total number of enhancement grants requested and awarded; provided further, that funds appropriated herein for transition grant awards may be expended through August 31, 2000 for the purposes of transition projects scheduled for the school year beginning in September, 2000; provided further, that not later than April 1, 1999, said department shall report to the house and senate committees on ways and means on the total number of transition grants requested and the anticipated number of transition grant awards; provided further, that said report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full day and half day kindergarten classrooms projected to be in operation in Massachusetts public schools in fiscal year 2001; and provided further, that the department may expend not more than \$200,000 to administer the grants program established herein \$20,820,000

Local Aid Fund 100.0%

7030-1003 For the John Silber early literacy program to promote literacy among children entering primary education in the commonwealth; provided, that the department of education shall administer a program to provide grants to eligible public schools to fund the salaries of not more than one reading teacher for every 90 students enrolled in the first grade; provided further, that the department shall establish guidelines for said grant program, which shall include provisions to prorate grants to schools for reading teachers hired or compensated for less than the full 1999 to 2000 school year; provided further, that said grants shall be awarded contingent upon a commitment by prospective recipients to implement, within two years of the date on which such grant is awarded, a school wide early literacy education program for kindergarten through grade five; provided further, that such school wide early literacy programs shall provide for the evaluation and monitoring

of each student's reading and writing skills annually for at least three years, shall be implemented by a planning team consisting of faculty members and the principal of each recipient school and shall include a comprehensive system of measures to assess the ongoing results of said literacy program on student reading and writing proficiency; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts Comprehensive Assessment System exam, so-called, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that the office of school readiness, as established in section 28 of this act, shall conduct a study of literacy teacher training programs and methodologies which have been implemented in other states; provided further, that said office shall complete said study and report its findings to the house and senate committees on ways and means not later than March 15, 2000; provided further, that said report shall include recommendations for the implementation of a literacy teacher training program in the Commonwealth to promote effective literacy teaching practices; provided further, that said office may expend not more than \$50,000 of the amount appropriated herein to contract for completion of said study; provided further, that not less than \$500,000 shall be made available for matching grants to fund the Reach Out and Read program, so-called, to provide books to at-risk children in the commonwealth through book distribution programs established in community health centers, medical practices and hospitals; provided further, that the funds distributed through the Reach Out and Read program shall be contingent upon a match of not less than one dollar in private or corporate contributions for every

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	dollar in state funding distributed through said grant program; and provided further, that such program shall supplement currently funded local, state and federal programs at the school or district	\$5,500,000
	Local Aid Fund	100.0%
7030-1004	For grants for the home-based parenting and family literacy program known as the Parent-Child Home Program; provided, that the department of education shall distribute grants to expand capacity at existing Parent-Child Home Program sites in the commonwealth and to establish replication Parent-Child Home Program sites in cities and towns where high concentrations of low income families reside; provided further, that for grants awarded to establish replication sites, the department shall consider applications from school districts or social service agencies who demonstrate the capacity to replicate said home visiting program to serve area low income families; and provided further, that preference shall be given to applicants who demonstrate a commitment to maximize available federal and local funding for the operation of said replication site	\$3,000,000
	Local Aid Fund	100.0%
7030-1500	For grants to head start programs	\$6,829,048
	Local Aid Fund	100.0%
7030-2000	For the training and for drop-out prevention grants and basic skills remediation programs to cities, towns, regional school districts, and educational collaboratives programs; provided, that 25 per cent of the funds available for dropout prevention programs shall be awarded to school districts that demonstrate a marked increase in the percentage of students who are graduating from a public high school program; provided further, that any funds distributed from this item shall be deposited with the treasurer of such city, town, regional school district, or educational collaborative without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that school councils receiving said grants shall be responsible for spending	

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them in accordance with their school improvement plans as defined by section 59C of chapter 71 of the General Laws; provided further, that \$1,475,988 shall be allocated to basic skills remediation programs for students in grades one through nine; provided further, that not less than \$930,000 shall be allocated to education reform restructuring network grants, so-called; provided further, that \$500,000 shall be expended for the commonwealth alternative education revolving fund demonstration program in the cities of New Bedford and Pittsfield, to be administered through the corporation of business, work and learning center for youth development and education; provided further, that said fund shall be administered with an amount equal to the per-student foundation education aid times 100 students in each of the aforementioned communities; and provided further, that \$89,248 be earmarked for the expansion of the Boston-based comprehensive school aged parenting program, Inc. to accommodate an increased caseload pursuant to chapter 5 of the acts of 1995 \$3,735,968

Local Aid Fund 100.0%

7032-0500 For grants to cities and towns and regional school districts for school-based comprehensive health education and human services in schools; provided, that any funds distributed from this item shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended without further appropriation by the school committee; provided further, that not more than 1 per cent of the amount appropriated herein shall be expended for administrative costs; provided further, that \$1,400,000 shall be expended on the school linked services program; provided further, that the commissioner of education shall file a report on the distribution of all funds appropriated herein with the joint committee on education and the house and senate committees on ways and means not later than December 15, 1999; provided further, that not more than \$500,000 shall be expended for teen dating violence prevention; provided further, that not less than \$37,500

shall be expended for the North Quabbin Domestic Violence Prevention Program; and provided further, that not less than \$750,000 shall be expended for state-wide programs that provide suicide prevention outreach to gay and lesbian youth \$11,141,766

Health Protection Fund 100.0%

7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, that are selected competitively by the department of education; provided further, that such grants shall support the successful transition of students from other adult basic education programs to community college certificate and degree granting programs; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by said department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that said department shall consult with the community colleges and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; provided further, that \$250,000 shall be expended for the Methuen Adult Learning Center; and provided further, that not more than 10 per cent of the funds appropriated herein may be expended for non-grant purposes \$30,201,751

Local Aid Fund 100.0%

7035-0003 For allocation to Training Innovations, Inc. to develop a skill training center in the city of Cambridge to work directly with students enrolled in the Cambridge public schools, undertrained workers and interested businesses \$150,000

7035-0004 For reimbursements to cities, towns, regional school districts, and independent vocational schools for certain expenditures for transportation of pupils pursuant to the provisions of section 1I of chapter 15 of the General Laws, sections 7A, 7B and 37D of chapter 71 of the General Laws, section 8 of chapter 71A of the General Laws, section 14 of

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chapter 71B of the General Laws and section 8A of chapter 74 of the General Laws; provided, that of the amount appropriated herein, not less than \$1,500,000 shall be obligated for the implementation of chapter 663 of the acts of 1983; provided further, that any city, town or regional school district or independent vocational school which has not accepted the provisions of chapter 663 of the acts of 1993 shall be ineligible for any reimbursement of costs incurred during fiscal year 1999 under this item or for reimbursement of such costs under any of the provisions of the general law referred to herein; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein \$57,600,000

Local Aid Fund 100.0%

7035-0006 For reimbursements to regional school districts for the transportation of pupils; provided, that notwithstanding the provisions of any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein; provided further, that the amount appropriated herein shall be used toward the full funding of this item, as determined by the department of education, by fiscal year 2001; provided further, that upon receipt by the department of education of required transportation cost reports from regional school districts, said department shall reimburse 50 percent of the amount such districts received from this item in fiscal year 1999; and provided further, that said reports shall meet criteria established by the department of education \$40,605,180

Local Aid Fund 100.0%

7051-0015 For the administration of the emergency food assistance program \$1,000,000

Local Aid Fund 100.0%

7052-0003 For school building assistance grants and reimbursements for projects to eliminate racial imbalance under the provisions of chapter 645 of the acts of 1948, for first annual payments on school projects; provided, that the aggregate amount of first annual estimated payments for school

	projects approved by the board of education under the provisions of said chapter 645 shall not exceed \$9,551,948; provided further, that projects on the fiscal year 1999 priority lists ranked through number eight, inclusive, shall be given priority before any other projects; and provided further, that a report shall be filed semi-annually by the board of education with the house and senate committees on ways and means regarding funding commitments pursuant to the provisions of this item	\$10,254,854
	Local Aid Fund	100.0%
7052-0004	For school building assistance grants and reimbursements for cities and towns not subject to court-ordered or board of education racial imbalance plans under the provisions of chapter 645 of the acts 1948 for first annual payments on school projects; provided, that the aggregate amount of first annual estimated payments for school projects approved by the board of education under the provisions of said chapter 645 in the fiscal year ending June 30, 2000 shall not exceed \$43,887,115; provided further, that projects on the fiscal year 1999 priority lists ranked through number 118, inclusive, shall be given priority before any other projects; and provided further, that a report shall be filed semiannually by the board of education with the house and senate committees on ways and means regarding funding commitments pursuant to the provisions of this item	\$35,941,156
	Local Aid Fund	100.0%
7052-0005	For grants and reimbursements to cities, towns, regional school districts and counties under the provisions of chapter 645 of the acts of 1948 for annual payments on the accounts of school projects for which first annual payments have been made	\$227,881,436
	Local Aid Fund	100.0%
7052-0006	For grants and reimbursements to cities, towns, regional school districts and counties under the provisions of chapter 645 of the acts of 1948 for (a) educational, engineering, and architectural services for school districts, (b) surveys made of school building needs and conditions, (c) match-	

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	ing stabilization fund payments, (d) costs of leasing buildings for vocational programs and originally equipping and furnishing said buildings for vocational programs, and (e) payments associated with admission to a regional school district	\$276,652
	Local Aid Fund	100.0%
7052-0007	For grants and reimbursements to cities, towns, regional school districts and counties for the purposes of the school building assistance program under the provisions of chapter 645 of the acts of 1948; provided, that of the amount appropriated herein, the board of education may authorize one-time payments of the total reimbursement due to cities and towns for school buildings that are structurally unsound or otherwise in a condition jeopardizing the safety of school children, prior appropriation continued.	
7053-1909	For reimbursements to cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the furnishing of lunches to school children as authorized by chapter 538 of the acts of 1951, and for supplementing funds allocated for the special milk program; provided, that notwithstanding the provisions of any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act, and in the regulations implementing said act	\$5,426,986
	Local Aid Fund	100.0%
7053-1925	For the school breakfast program; provided, that of the sum appropriated herein, not less than \$300,000 shall be expended for the summer food service outreach program and not less than \$200,000 shall be expended for the school breakfast outreach program, including reimbursement of municipal expenses, prior appropriation continued; provided, that a grant supplement of 15 cents per lunch served and five cents per snack and breakfast served shall be paid to local summer food service providers	\$2,530,443
	Local Aid Fund	100.0%

- 7053-1927 For a program to promote a universal feeding approach for school breakfasts, whereby all children in schools receiving grants under said program shall be provided nutritious breakfasts without regard to their eligibility to receive free or reduced-price breakfasts as authorized under the federally funded school breakfast program, so-called; provided, that participation shall be limited to those elementary schools mandated to serve breakfast pursuant to section 1C of chapter 69 of the General Laws; provided further, that the department of education shall award grants under said program by soliciting proposals from school districts eligible to participate in said program; provided further, that said department shall make geographical distribution of said grants a factor in its grant decisions; provided further, that said department shall attempt to have different models represented by the selected programs including, but not limited to, making breakfast part of the school day, improved transportation to the breakfast program and eliminating administrative barriers; provided further, that such grants shall only be awarded to school districts which can reasonably demonstrate their intent to increase participation in said program by a minimum of 15 per cent over current levels during a two year period; provided further, that said department shall require sufficient reporting from each grantee to measure the success of said program; provided further, that said department shall select school sites for programs authorized by this item no later than January 15, 2000 and shall report to the house and senate committees on ways and means on the preliminary results of such grants no later than April 30, 2000; provided further, that nothing in this item shall be construed to give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services \$3,085,360
- Local Aid Fund 100.0%
- 7053-1928 For grants which encourage school districts to increase participation in the federally funded school breakfast program,

so-called, by demonstrating innovative and replicable ways to remove barriers to increased participation in said program; provided, that such grants shall be prioritized to districts with high levels of students who are eligible for free or reduced priced meals; provided further, that the department of education shall, in developing criteria for selection of such grants, consider how each proposal attracts students of all income levels, increases awareness of said program, addresses time and schedule conflicts, examines space problems, addresses supervision issues, examines transportation schedules, promotes varied and nutritious menus, promotes the relationship between breakfast, nutrition and serious academic learning and involves all school constituencies; provided further, that such grants shall only be awarded to school districts which can reasonably demonstrate their intent to increase participation in said program by a minimum of 10 per cent over current levels during a two year period; provided further, that said department shall require sufficient reporting from each grantee to measure the success of such grant program; and provided further, that said department shall award grants authorized by this item no later than January 15, 2000 and shall report to the house and senate committees on ways and means on the preliminary results of these grants not later than April 30, 2000; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services \$1,000,000

Local Aid Fund 100.0%

7053-1929 For a grant program to improve summer food programs during the summer school vacation period; provided, that priority shall be given to extending such programs for the full summer vacation period and promoting increased participation in such programs; provided further, that the department of education shall solicit proposals from returning sponsors and school food authorities in time for implementation of such grant program during the summer

of 2000; provided further, that such grants shall only be awarded to sponsors who can demonstrate their intent to offer full summer programs or increase participation; provided further, that said department shall require sufficient reporting from each grantee to measure the success of such grant program; provided further, that said department shall select grantees for the program authorized by this item not later than March 30, 2000 and shall report to the house and senate committees on ways and means on the projected impact of these grants not later than April 30, 2000; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services. \$695,000

Local Aid Fund 100.0%

7053-1940 For a payment of \$535,000 to the city of Northampton; for costs incurred relative to the Clarke School, so-called; provided, that not less than \$350,000 shall be allocated for a payment to the town of Framingham for the educational costs associated with the Learning Center, so-called \$885,000

Local Aid Fund 100.0%

7061-0008 For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed pursuant to the provisions of chapters 70 and 76 of the General Laws and section 3; provided, that notwithstanding the provisions of section 3, each school district which receives aid from this item in fiscal year 2000 shall expend from such aid not less than \$125 per student on professional development expenditures as defined in regulations of the department of education; provided further, that such \$125 per student shall include \$100 in such aid previously made available in chapter 194 of the acts of 1998; provided further, that of the amount appropriated herein, \$32,259,702 shall be allocated for one-time, non-recurring payments to certain cities, towns and regional school districts; provided

further, that said non-recurring payments shall be distributed according to the allocation schedule set forth in section 3 of this act; provided further, that no funds distributed from said payments shall be considered base aid nor used in the calculation of mini-mum required local contribution for fiscal year 2001 or any other fiscal year; provided further, that \$150,000 of the funds allocated from this item to the city of Lawrence by said section 3 shall be transferred to the University of Massachusetts at Lowell for its college preparation program; provided further, that \$42,570,481 shall be transferred from item 7061-9100 and credited to this item; provided further, that said \$42,570,481 shall not be subject to the provisions of subsection (b) of section 12 of chapter 70 of the General Laws; provided further, that notwithstanding the provisions of any general or special law to the contrary, no school district shall receive less than \$150 per student in chapter 70 aid, so-called, in fiscal year 2000; provided further, that said aid shall be in addition to the \$100 per student aid authorized and made available in item 7061-0008 of section 2 of chapter 194 of the acts of 1998; and provided further, that each such district shall report to said department the professional development activities funded by such expenditures and such department shall make a determination as to whether said amounts were expended for professional development activities \$2,760,762,474

Local Aid Fund 100.0%

7061-0009 For reimbursement to cities, towns, and regional school districts of public school tuition of any school age child placed in a school district other than a home town by, or under the auspices of, the department of transitional assistance or the department of social services pursuant to section 96 of chapter 71 of the acts of 1993; provided, that such reimbursement shall constitute complete satisfaction of the commonwealth's obligation for tuition payments to cities, towns, or regional school districts for school aged children placed by, or under the control of, the department of transitional assistance or the department of social services under the provisions of sections 7 and 9 of chapter 76

of the General Laws, other than in a home town \$17,510,058

Local Aid Fund 100.0%

7061-0011 For a reserve to (1) meet unanticipated or extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of this act and chapter 70 of the General Laws, in conjunction with unanticipated or extraordinary decreases in cherry sheet aid, so-called, for such municipalities; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to section 257; provided further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet expenses associated with extraordinary increases in enrollment calculated on a percentage basis for such municipalities; and (3) to assist regional school districts in offsetting unanticipated funding losses resulting from a member municipality's extraordinary increase or decrease in its minimum required local contribution; provided, however, that priority shall be granted to member municipalities of regional, and vocational regional school districts; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one-time non-recurring basis; and provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the minimum required local contribution for fiscal year 2001. . . . \$5,000,000

Local Aid Fund 100.0%

7061-0012 For noneducational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education on appeals, as provided under chapter 71B of the General Laws; provided, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and upon approval of the commissioner, the treasurer may make such payments directly to

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the service provider for services provided on or after July 1, 1999; provided further, that not more than \$7,142,850 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that the amount spent for a particular student shall not exceed the amount of tuition funds allocated for the student at the time of transition into such community-based support services; provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; provided further, that the commonwealth shall not pay more than 50 per cent of the cost of any such residential placement; provided further, that not less than \$300,000, shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of such program; and provided further, that of said \$300,000 funds shall be made available for the purposes of training teachers and students in Cambridge, Leominster, Fitchburg, Gardner and Boston \$56,379,317

Local Aid Fund 100.0%

7061-0019 For school and school district audits, assistance, and monitoring to conduct program and financial compliance audits of the expenditure of chapter 70 funds, so-called, and to assist schools and school districts in developing comprehensive plans to improve student performance and to monitor the implementation of improvement efforts; provided, that the department of education shall collaborate with the division of local services of the department of revenue, pursuant to section 259 of this act; provided further, that not less than \$500,000 shall be transferred to said division by January 1, 2000 for

completion of said audits; provided further, that said departments shall provide technical assistance to certain cities, towns and regional school districts deemed to be under-performing by said department of education; provided further, that not more than \$1,000,000 shall be expended for the monitoring and follow-up activities of said department's complaint management system, review and approval of local educational agency applications, and local school district's compliance with the part B requirements of the federal special education law, known as the Individuals With Disabilities Education Act, in the provision of special education and related services to children with disabilities; and provided further, that such monitoring activities shall occur in each school district in cycles of not less than three years \$2,810,015

Local Aid Fund 100.0%

7061-9000 For fiscal year 2000 reimbursements to certain cities, towns, and regional school districts for a school choice transportation reimbursement program pursuant to subsection (i) of section 12B of chapter 76 of the General Laws; provided, that funds appropriated herein shall be expended solely for the reimbursement of costs incurred in fiscal year 2000, unless the comptroller authorizes the expenditure of funds for the reimbursement of costs incurred in fiscal year 1999 pursuant to the provisions of chapter 29 of the General Laws \$400,000

Local Aid Fund 100.0%

7061-9010 For fiscal year 2000 reimbursements to certain cities, towns and regional school districts pursuant to section 89 of chapter 71 of the General Laws \$27,147,555

Local Aid Fund 100.0%

7061-9100 For professional development; provided, that \$42,570,481 shall be transferred to item 7061-0008 of section 2 for the purposes of professional development; provided further, that said \$42,570,481 shall not be subject to the provisions of subsection (b) of section 12 of chapter 70 of the General Laws; provided further, that preference shall be given to public institutions of higher education in contracts awarded

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	by the department of education for the professional development of teachers; provided further, that not less than \$200,000 shall be expended for the writing project at the University of Massachusetts at Amherst and at Boston for the professional development of teachers; and provided further, that school districts may use said funds for project-based learning	\$42,770,481
	Local Aid Fund	100.0%
7061-9200	For the education technology program, so-called; provided, that the department of education shall file a spending plan for the amounts appropriated herein with the joint committee on education and the house and senate committees on ways and means by December 1, 1999	\$1,778,393
	Local Aid Fund	100.0%
7061-9400	For student and school assessment and for grants to school districts to develop portfolio assessments for use in individual classrooms as an enhancement to student assessment; provided, that as much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration or work samples and projects and shall facilitate authentic and direct gauges of student performance; provided further, that such portfolio assessments shall not replace the statewide standardized assessment based on the curriculum frameworks; provided further, that all school assessments shall center on the academic standards embodied in the curriculum frameworks and shall involve gauges which shall be relevant and meaningful to students, parents, teachers, administrators and taxpayers pursuant the first paragraph of section 1L of chapter 69 of the General Laws; provided further, that notwithstanding the provision of any general or special law to the contrary, assessment of proficiency in English shall be administered in English; and provided further, that not less than \$100,000 shall be expended on the development of certificates of occupational proficiency for vocational school students	\$14,800,000
	Local Aid Fund	100.0%

7061-9404 For assistance and grants to cities, towns and regional school districts to develop or enhance academic support services for students scoring in level 1 or 2 on the Massachusetts Comprehensive Assessment System exam, so called; provided, that preference shall be given to those districts with a high percentage of such students; provided further, that the department of education may give priority for such assistance and grants to schools and districts at risk of or determined to be under-performing in accordance with section 1J and 1K of chapter 69; provided further, that the purpose of this program shall be to raise students' academic achievement through services that may include but shall not be limited to: integrated tutoring and mentoring programs, extended school day and year, weekend and school vacation programs, summer programs, school-to-work connecting activities, so-called, creating worksite learning experiences for students as an extension of the classroom, professional development to improve teacher skills and knowledge, and alignment of local curriculum with state standards and assessment data; provided further, that such grants and assistance shall be primarily academic in focus; provided further, that such grants and assistance may incorporate appropriate cultural and recreational activities to encourage student participation and enhance academic performance; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; provided further, that in order to receive such resources, districts shall develop a comprehensive district plan to improve student performance which shall include accountability measures for assessing performance and results, a professional development program, a coordinated budget that demon-

strates how all available local, state, federal, private and other funds shall be used to achieve the goals and activities in the plan and any other requirements determined by the department; provided further, that districts shall report on program activities, results and expenditures as required by the department; provided further, that the department may expend up to \$250,000 to administer the program; and provided further, that for the purposes of such program, appropriated funds may be expended through August 31, 2000 to allow for summer academic support services and professional development for educators \$20,000,000

Local Aid Fund 100.0%

7061-9600 For payments to state public institutions of higher education for the dual enrollment program, so-called; provided, that the department shall expend not more than \$200,000 to support the cost of tuition and materials for alternative education students who meet or exceed eligibility requirements for the dual enrollment program \$1,779,400

Local Aid Fund 100.0%

7061-9604 For teacher preparation \$1,915,235

Local Aid Fund 100.0%

7061-9611 For after-school programs as approved in the board of education's five year master plan; provided, that \$250,000 shall be expended for a pilot program in the city of Fall River on preventing violence among youths; provided further, that not less than \$50,000 shall be expended for a pilot program to create a recreation and education advancement program to be administered by the management team established pursuant to chapter 133 of the acts of 1989; provided further, that \$250,000 shall be expended for a pilot program in the city of Lawrence to incorporate violence prevention education skills with reading, language, social studies, science, math, and the arts for kindergarten through grade eight; provided further, that such program shall also provide parent training and education in violence prevention; provided further, that \$4,000 shall be made available to the Blue Hills regional vocation school to establish an after-school program for at-risk middle school students; provided further, that not less

than \$150,000 shall be expended to provide after-school programming to school age children in Andover by Life Focus Center, Inc.; provided further, that no funds from this item may be expended for the educational alternatives for chronically disruptive students program; provided further, that not less than \$300,000 shall be provided for the Saltonstall school in the city of Salem for environmental control equipment; provided further, that \$2,500,000 shall be expended for voluntary in-school and after school service programs administered by the Massachusetts Service Alliance; provided further, that \$775,000 shall be made available for an after-school meal program for low-income students; provided further, that \$750,000 shall be transferred from this item to item 0640-0300 for the purpose of providing after school programs administered by the Massachusetts cultural council; provided further, that \$200,000 shall be expended for a violence prevention task force and for grants for violence prevention initiatives; provided further, that not less than \$5,072,932 may be expended on after school programs; provided further, that not less than \$50,000 shall be expended for matching grants of not more than \$5,000 to cities, towns and regional school districts for the development of new school safety initiatives; provided further, that not less than \$60,000 shall be expended for after-school programs for low income residents of the Allston-Brighton area; provided further, that said funds shall only be distributed to those communities with local councils that coordinate after school and out-of-school activities; provided further, that a municipality may be a member of not more than one such council; provided further, that a municipality may join with other municipalities to create a unified council for the purpose of coordinating after-school and out-of-school activities in said municipalities; provided further, that grants may be awarded to any member of such unified councils; provided further, that the department of education shall consult the executive office of health and human services to coordinate programs and services for children and youth during after-school and out-of-school programs; provided

further, that applicants must detail funds received from all public sources for existing after school and out-of-school programs and the types of programs and number of students served with said funds; provided further, that said department may fund only those applications that contain accountability systems and measurable outcomes which the department deems appropriate; provided further, that said department shall give preference to applicants who demonstrate efficient use of public resources and facilities; provided further, that said grants shall fund a variety of activities, including but not limited to, academic tutoring and homework centers, athletic programs, health services, arts programs and community service programs; provided further, that not more than \$800,000 may be expended for non-grant purposes; and provided further, that said department shall select grant recipients by November 30, 1999 and shall report to the house and senate committees on ways and means on the preliminary results of such grants not later than April 30, 2000; provided further, that an amount of no less than \$250,000 shall be expended for a pilot program for the 29 communities in the areas of Essex and Middlesex included in the North Eastern Massachusetts Law Enforcement Council, the NEMELC communities, so-called, for the implementation of a school threat assessment and response program; provided further, that said pilot program shall report its findings to the commission established in section 259 on or before February 1, 2000 \$11,461,932

Local Aid Fund 100.0%

7061-9612 For the school of excellence program at the Worcester Polytechnic Institute; provided, that every effort shall be made to recruit and serve equal numbers of male and female students; provided further, that sending school districts of students attending said academy shall not be required to expend any funds for the cost of said students while in attendance at said academy; provided further, that of the amount appropriated herein, \$378,000 shall be obligated for professional development activities at the school of excellence program at Worcester Polytechnic Institute, including salary and benefits for master teachers

and visiting scholars, so-called; provided further, that the department of education is hereby authorized and directed to enter into an agreement with Worcester Polytechnic Institute to operate a school of excellence in mathematics and science; provided further, that not less than \$300,000 shall be expended for professional development programs conducted by school of excellence staff members throughout the commonwealth; and provided further, that said academy shall file a report with the joint committee on education and the house and senate committees on ways and means by March 30, 2000 detailing said professional development activities \$1,199,231

Local Aid Fund 100.0%

7061-9614 For grants to school districts for the development and establishment of programs to address problems of students who exhibit classroom behavior that interferes with learning, particularly those students who may be suffering from the traumatic effects of exposure to violence and for the development and establishment of alternative education programs and services for suspended or expelled students, which may include but not be limited to, grants to allow school districts to coordinate efforts to establish inter-district regional alternative education collaborative or to establish district based alternative education programs; provided further, such grants may also encourage the use of technology to provide education in an alternative setting; provided further, no school district that currently operates an alternative education program for suspended or expelled students shall use grant funds to supplant existing programs or services; and provided further, that such grants shall be contingent upon a match of not less than one dollar in local expenditure for every dollar in state funding distributed through said grant program \$500,000

7061-9615 For the MassEd.Net program to provide on-line service for Massachusetts educators; provided, that the department shall file a spending plan for the amounts appropriated herein with the joint committee on education and the house and senate committees on ways and means by February 1, 2000; and provided further, not less than \$100,000 shall be made available to non-public school educators for

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	participation in said program; provided further, that use of on-line services shall be expressly limited to those individual educators enrolled in said program and for whom the on-line services were intended	\$1,327,500
	Local Aid Fund	100.0%
7061-9619	For the purpose of funding the Franklin Institute of Boston; provided, that the Franklin Institute of Boston shall be granted access to the Massachusetts education computer system; and provided further, that the Franklin Institute of Boston shall be permitted to join the state buying consortium	\$1
	Local Aid Fund	100.0%
7061-9620	For grants to school districts for the costs associated with establishing advanced placement courses; provided, that priority shall be given to those districts not offering advanced placement courses in the 1998 to 1999 school year	\$500,000
	Local Aid Fund	100.0%
7061-9621	For the administration of a grant program for gifted and talented school age children; provided, that the funds appropriated in this item shall be in addition to any federal funds available for such program; provided further, that priority shall be given to those grant applications that address the needs of students who are identified by any of the following criteria: (1) the result of a standardized aptitude examination which is three or more standard deviations above the mean; (2) an evaluation by the child's teachers that the child does perform, or is capable of performing, satisfactorily at two or more grade levels above the child's chronological age; or, (3) a score on the math or verbal Scholastic Aptitude Test by a child of no more than 13 years of age which is equal to, or greater than, the average on either test obtained by college-bound high school juniors; and provided further, that such programs may be made available by a city, town, or regional school district	\$437,970
	Local Aid Fund	100.0%
7061-9626	For grants and contracts with youthbuild programs for the	

purposes of providing comprehensive youthbuild services to economically disadvantaged young adults in the cities of Boston, Brockton, Cambridge, Holyoke, Fitchburg, Lawrence, Lowell, Lynn, New Bedford, Springfield and Worcester; provided, that funds shall only be disbursed to those cities that have an existing youthbuild program and which can demonstrate that students will graduate from said program in fiscal year 2000 \$1,800,000

Local Aid Fund 100.0%

7061-9632 For the Pioneer Valley Regional Education Business Alliance, so-called; provided, that a spending plan including revenues and expenditures from all funding sources shall be filed with the joint committee on education, arts, and humanities and with the house and senate committees on ways and means not later than January 1, 2000; and provided further, that \$87,890 shall be expended for the purchase of materials and for the department to conduct training for teachers and staff to identify and serve students with scotopic sensitivity syndrome or Irlen syndrome \$287,890

7061-9634 For matching grants to be administered by the department of education for the Massachusetts Service Alliance for public and private agencies with mentoring programs for the recruitment and training of mentors and for other supporting services including, but not limited to, academic support services; provided, that no funds shall be disbursed from this item to support a mentor relationship established in a prior fiscal year; provided further, that in order to be eligible to receive funds from this item, such public or private agency shall provide a matching amount equal to one dollar for every dollar disbursed from this item; provided further, that said matching amount shall be from a source other than state or federal funds; provided further, that \$50,000 shall be made available to support the mentoring activities of the planned learned achievement for youth program; and provided further, that said Massachusetts Service Alliance shall submit a report detailing the expenditure of such funds and the amount and source of matching funds raised to the secretary of administration and finance and the house and senate committees on ways

and means not later than February 27, 2000	\$1,000,000
Local Aid Fund	100.0%

Board of Higher Education.

7066-0000 For the operation of the board of higher education; provided, that said board shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource reallocation and program reassessment, and utilize resources otherwise available to said institutions; provided further, that said board shall establish a policy directing said institutions of higher education to spend not less than 4.5 per cent of the combined amount of the total state appropriation and student retained revenues by each such institution for ongoing capital adaptation and renewal; provided further, that expenditures for operational expenses such as utility payments shall not be considered capital adaptation and renewal for the purposes of the spending requirements contained herein; provided further, that not later than January 1, 2000, said board shall submit to the house and senate committees on ways and means a plan that includes: (1) the projected operating budget spending at each institution within the commonwealth's system of public higher education; (2) the planned spending on capital adaptation and renewal projects at each such institution; (3) the funding sources used to fund said projects; (4) the savings at each such institution resulting from the fiscal year 2000 reduction in fringe rates and electricity deregulation; and (5) demonstration that said savings resulting from the fiscal year 2000 reduction in fringe rates and electricity deregulation have been applied toward offsetting the costs of said deferred maintenance and facility renewal to the fullest extent possible; provided further, that upon request of any such institution, said board is hereby authorized to grant a waiver from said maintenance spending requirement upon determining that compliance with said policy poses a threat to academic quality; and provided further, that not more than \$20,000 shall be expended for a study relative to the feasibility of

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	establishing a branch campus in the city of Attleboro pursuant to section 354	\$2,297,373
7066-0005	For the commonwealth's share of the cost of the compact for education	\$70,500
7066-0009	For the New England board of higher education	\$687,341
7066-0100	For a reserve to be distributed according to guidelines established by the board of higher education for campus initiatives or projects to improve academic programs and student performance, campus accountability, efficiency in management, and cost-effective use of resources; provided, that said board shall report quarterly to the house and senate committees on ways and means and the joint committee on education, arts and humanities, on said campus grant proposals and awards, including, but not limited to, a description of each proposal, its costs, the amount awarded, and projected outcomes; provided further, that notwithstanding the provisions of any general or special law to the contrary, said board may allocate funds from this item to other items of appropriation; provided further, that no funds from this item shall be expended to support development or operations of commonwealth college so-called, at the university of Massachusetts; and provided further, that said board shall submit an allocation plan to the house and senate committees on ways and means ten days prior to any allocation of funds from this item	\$6,000,000
7066-0119	For the commonwealth's contribution to the Massachusetts Space Grant Consortium, so-called; provided, that funds appropriated herein may be used as matching funds for available federal grants	\$250,000
7070-0031	For the McNair component of the financial assistance program to increase access to public and independent institutions of higher education for students who meet certain income eligibility standards developed by the chancellor of higher education and for students with serious physical impairments, known as the Ronald E. McNair education opportunity program	\$4,761,741
7070-0065	For a scholarship program to provide financial assistance to	

Massachusetts students enrolled in and pursuing a program of higher education in any approved public or independent college, university, school of nursing, or any other approved institution furnishing a program of higher education; provided, that the Massachusetts state scholarship office is hereby authorized and directed to expend not less than \$13,999,045 for community college access grants to ensure that no Massachusetts resident enrolled in and pursuing an associate's degree in any of the community colleges pays more than \$500 in tuition and fees net of any federal or state scholarship or tax credit; provided further, that any resident whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than \$2,250, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that said residents who are not fully eligible for the federal HOPE tax credit, so-called, based on their exceeding maximum income eligibility limits, shall not be eligible for said grants; provided further, that not less than \$13,574,741 shall be expended for state college access grants; provided further, that any Massachusetts resident enrolled in and pursuing a bachelor's degree in any of the state colleges whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than \$2,000, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further that not less than \$9,666,947 shall be expended for a program of needs-based financial assistance for Massachusetts residents enrolled in and pursuing a program of higher education in the university of Massachusetts; provided further, that not less than \$10,000,000 shall be made available for the no-interest loan program pursuant to

clause (cc) of section 9 of chapter 15A of the General Laws; provided further, that of said \$10,000,000 dollars not more than \$775,000 may be spent for the administration of said no-interest loan program; provided further, that \$4,000,000 shall be expended for the part-time student grant program; provided further, that of the sum appropriated herein, not less than \$1,000,000 shall be obligated for the purposes of the Massachusetts plan, pursuant to section 5C of chapter 15C of the General Laws; provided further, that the Massachusetts state scholarship office is authorized and directed to expend not less than \$18,000,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing; provided further, that not less than \$200,000 shall be made available to provide financial assistance for Massachusetts residents enrolled at public higher education institutions to participate in the Washington Center-Massachusetts Initiative Academic Internship program; provided further, that except as otherwise provided in this act all said aforementioned financial assistance shall be distributed to students demonstrating the greatest need as determined by an eligibility index used by the state scholarship office; provided further, that students awarded full or partial scholarships under the Christian A. Herter Memorial Scholarship Program, as established in section 16 of chapter 15A of the General Laws, who have matriculated in a program of higher education outside the commonwealth may continue to receive the scholarship aid guaranteed by said program; provided further, that the state scholarship office is authorized to expend monies for the public service awards as established in said section 16 of said chapter 15A; provided further, that the chancellor of higher education, in coordination with the Massachusetts state scholarship office, shall establish such regulations governing the eligibility and the awarding of financial assistance as said chancellor shall deem necessary; and provided further, that not more than \$1,704,046 shall be expended on the administration of the scholarship program \$105,292,321

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- 7077-0010 For the purchase of scientific, technological, and other educational reference materials for the libraries of the system of public higher education institutions; provided, that the increase in this item over the amount appropriated in chapter 194 of the acts of 1998 shall be distributed to campuses in the same formulaic manner as in said chapter 194 \$14,000,000
- 7077-0023 For a contract with the Tufts School of Veterinary Medicine; provided, that funds appropriated herein shall be expended, in accordance with the Massachusetts resident veterinary tuition remission plan submitted January 8, 1998, for supportive veterinary services provided to the commonwealth; provided further, that prior year costs may be paid from this item \$5,225,000
- 7077-1000 For the tomorrow's teachers program, prior appropriation continued
- 7077-2000 For a reserve to meet the costs of scheduled, emergency, and deferred maintenance and repairs to capital assets of the state and community colleges; provided that the board of higher education shall submit an allocation plan to the house and senate committees on ways and means not later than January 15, 2000; provided further, that said board shall allocate the amounts appropriated herein to state and community colleges pursuant to said allocation plan; provided, that projects funded from the amount appropriated herein shall not be considered capital adaptation and renewal for the purposes of spending requirements established by the board of higher education pursuant to the provisions of item 7066-0000 in section 2 of this act; provided further, that operating funds previously budgeted for the purposes of capital asset maintenance and repairs in other items of appropriation shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that no funds appropriated herein shall be expended for routine upkeep, including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that notwithstanding the provisions of section 40B of chapter

7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, upon the request of an institution of higher education, delegate project control and supervision to such institution over projects funded from this item whose estimated cost is less than \$500,000 if said commissioner determines that said agency has the ability to control and supervise such project; provided further, that funds for said scheduled, emergency, and deferred maintenance and repairs may be expended notwithstanding the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws whenever the total cost of such project is \$500,000 or less; and provided further, that amounts allocated to projects whose total estimated cost exceeds \$500,000 shall remain available for expenditure until June 30, 2001; provided further, that not more than \$100,000 shall be expended for capital repairs to public infrastructure adjacent to Bunker Hill community college Chelsea satellite campus; and provided further, that not more than \$140,000 shall be expended for certain capital improvements to the athletic and health facilities at Berkshire community college \$4,000,000

University of Massachusetts.

7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding the provisions of any general or special law to the contrary, the board of trustees shall develop an allocation plan for the amount appropriated herein and shall notify the house and senate committees on ways and means of said plan within 45 days of the passage of this act; provided further, that the board of trustees in conjunction with the state health education center at the University of Massachusetts Medical Center shall maintain learning contracts for students admitted on or after the fall of 1978 which shall include provisions for "payback" service or monetary payback to the commonwealth for a period after such students have fulfilled all internship and residency requirements; provided further, that not less than \$795,619 shall be expended for the purposes of the area health education centers program, also known as AHEC; provided further, that not less than \$136,816 shall be

expended for the purpose of the state health education center at the medical center; provided further, that not less than \$250,000 shall be expended for the purpose of the Paul E. Tsongas Industrial Historical Center at the University of Massachusetts at Lowell; provided further, that not less \$150,000 shall be expended for a college preparation program at the University of Massachusetts at Lowell; provided further, that not less than \$69,566 shall be expended for the Center for Rural Massachusetts at Amherst; provided further, that not less than \$621,000 shall be expended for the Massachusetts Institute for Social and Economic Research at Amherst to manage the United States census data and provide population estimates and projections and for the evaluation of the commonwealth's eligibility for federal grant programs and for the application for, and acquisition of, any grants made under such programs, and for the marketing and sale of publications and services, to public and private entities provided by said Institute; provided further, that \$499,019 shall be expended for the purposes of the William Joiner Center; provided further, that not less than \$368,287 shall be expended for the purposes of the Mauricio Gaston Institute of Latino Community Development and Public Policy; provided further, that not less than \$299,284 shall be expended for the purposes of research and analytical studies at the Monroe Trotter Institute; provided further, that not less than \$200,000 shall be expended for the purposes of the Institute for Asian-American studies; provided further, that not less than \$628,834 shall be expended for the expense of a gerontology institute; provided further, that not less than \$156,663 shall be expended for the endowment of a chair named in honor of the late Frank Manning; provided further, that not less than \$637,010 shall be expended for the physical education department at the University of Massachusetts at Boston; provided further, that \$250,000 shall be expended for the Institute for Policy Research in Family and Community Violence at the University of Massachusetts at Boston; provided further, that the sum expended for Umass

Extension in fiscal year 2000 shall not be reduced except in proportion to adjustments consistent with university budget adjustments and policies affecting comparable academic outreach programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the Umass Extension Board of Public Overseers; provided further, that not less than \$35,000 shall be expended for the continuing education program in Attleborough operated by the University of Massachusetts at Dartmouth; provided further, that not less than \$480,200 shall be expended for the cranberry experiment station; provided further, that a board of oversight shall be responsible for the purposes of said station; provided further, that not less than \$300,000 shall be expended for the John W. McCormack Institute of Public Affairs; provided further, that not less than \$179,635 shall be expended for the Center for Women in Politics and Public Policy at the John W. McCormack Institute of Public Affairs; provided further, that \$200,000 shall be obligated for the University of Massachusetts Economic Project, so-called; provided further, that not less than \$2,000,000 shall be expended for the emerging technology centers, pursuant to sections 38 to 42, inclusive, of chapter 75 of the General Laws; provided further, that not less than \$380,000 shall be obligated for the start-up costs associated with the Center of Marine Environmental Science Technology Electronic Technology and Fisheries at the University of Massachusetts at Dartmouth, including a study and model program for artificial reef construction and fisheries development; provided further, that \$50,000 shall be obligated for rural development councils; provided further, that \$350,000 shall be expended for a satellite medical examiners office; provided further, that \$500,000 shall be expended for the Center for Portuguese Studies at the University of Massachusetts at Dartmouth; provided further, that \$100,000 shall be expended for an outreach program at Martha's Vineyard by the University of Massachusetts at

Dartmouth in conjunction with Nathan Mayhew Seminars for the purpose of establishing a long distance learning center; provided further, that \$50,000 shall be expended for the University of Massachusetts Boston Pension Assistance Project; provided further, that not more than \$250,000 shall be provided to the biotechnology program at the University of Massachusetts at Amherst for the development of the Springfield Biomedical Technological Institute jointly sponsored by Baystate Medical Center in the city of Springfield and the biotechnology program of the University of Massachusetts at Amherst; provided further, that \$1,000,000 shall be expended for reference materials at the W.E.B. DuBois Library, so-called, at the University of Massachusetts at Amherst; provided further, that not more than \$50,000 shall be expended by The Donahue Institute at the University of Massachusetts at Boston to conduct a study, in conjunction with the Institute for Regional Development at Bridgewater State College, on the establishment of a regional skills alliance/education and training center, which would combine the resources of public and private educational institutions, the private sector and labor community to meet the education and training needs of the region, which could include, but not be limited to, the incorporation of a continuum of care component for the mentally retarded, skilled nursing, respite, medical/clinical specialties centers, training centers for DMR staff and family supports on the core campus, so-called, of the Paul A. Dever State School; provided further, that the Dever Reuse Commission shall serve as an advisory committee to the Donahue Institute and the Institute for Regional Development; and provided further, that these institutes shall submit a report of their recommendations to the commission no later than February 20, 2000; provided further, that each center, program, and study earmarked within this appropriation shall submit to the board of trustees of the University of Massachusetts and to the house and senate committees on ways and means not later than January 20, 2000, a report which shall include a programmatic description, a spending plan

	detailing the total program budget including all funding sources, the number of students served by the program and an explanation of how the program fulfills the mission of said university; provided further, that not less than \$300,000 shall be expended to establish an endowment for a Portuguese chair at the university of Massachusetts at Dartmouth; and provided further, that the board of trustees may require said institutions to provide communication accessibility for the deaf and hard of hearing where necessary	\$451,693,795
7100-0300	For the operation of the toxics use reduction institute program at the University of Massachusetts at Lowell, in accordance with the provisions of chapter 21I of the General Laws; provided, that not less than \$200,000 shall be obligated for programs that train business, industry, higher education, and medical and high school laboratory personnel to reduce toxic waste at the source utilizing the Microscale chemistry technology	\$1,686,146
	Toxic Use Reduction Fund	100.0%
7100-0500	For the operation of the board of higher education's Commonwealth College honors program, so-called, at the university of Massachusetts at Amherst	\$1,750,000
7100-2000	For a reserve to meet the costs of scheduled, emergency, and deferred maintenance and repairs to capital assets of the University of Massachusetts; provided, that projects funded from the amount appropriated herein shall not be considered capital adaptation and renewal for the purposes of spending requirements established by the board of higher education pursuant to the provisions of item 7066-0000 in section 2 of this act; provided further, that operating funds previously budgeted for the purposes of capital asset maintenance and repairs in other items of appropriation shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that no funds appropriated herein shall be expended for routine upkeep, including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that	

notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, upon the request of an institution of higher education, delegate project control and supervision to such institution over projects funded from this item whose estimated cost is less than \$500,000 if said commissioner determines that said agency has the ability to control and supervise such project; provided further, that funds for said scheduled, emergency, and deferred maintenance and repairs may be expended notwithstanding the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws whenever the total cost of such project is \$500,000 or less; and provided further, that amounts allocated to projects whose total estimated cost exceeds \$500,000 shall remain available for expenditure until June 30, 2001 \$4,000,000

State Colleges.

- 7109-0100 For Bridgewater State College; provided, that not less than \$613,000 shall be expended for the operation of the John Joseph Moakley center for technological applications at Bridgewater state college; and provided further, that said initiative shall be conducted on the site of said college for the purposes of technological applications to classroom teaching and initiatives in distance learning and economic development in conjunction with business and industry in southeastern Massachusetts \$31,161,340
- 7110-0100 For Fitchburg State College; provided, that not less than \$250,000 shall be expended for the Fitchburg State College Leadership Academy, so-called \$23,574,962
- 7112-0100 For Framingham State College; provided, that not less than \$400,000 shall be expended for the Christa McAuliffe Center; provided further, that not less than \$300,000 shall be expended for the operation of the commonwealth's global education centers; and provided further, that not less than \$200,000 shall be expended for the regional economic research center \$19,654,761
- 7113-0100 For the Massachusetts College of Liberal Arts \$11,970,091
- 7114-0100 For Salem State College; provided, that a sum of not less than

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	\$98,200 shall be expended for the aquaculture program at said college established pursuant to section 274 of chapter 38 of the acts of 1995	\$30,439,118
7114-0101	For a reserve for operation and maintenance costs associated with the acquisition of the GTE/Sylvania property located in the city of Salem	\$593,677
7115-0100	For Westfield State College	\$19,501,796
7116-0100	For Worcester State College; provided, that funds may be expended for the creation of an allied health center at Worcester state college	\$19,011,068
7117-0100	For the Massachusetts College of Art; provided, that funds may be expended for the purpose of compliance with the Americans with Disabilities Act	\$12,484,236
7118-0100	For the Massachusetts Maritime Academy; provided, that \$250,000 shall be expended for a shipbuilding program in conjunction with the revitalization of the Fore River Shipyard; and provided further, that not less than \$228,000 shall be expended for the establishment of an aquaculture program	\$10,347,865

Community Colleges.

7502-0100	For Berkshire Community College	\$8,291,746
7503-0100	For Bristol Community College	\$13,281,647
7504-0100	For Cape Cod Community College	\$9,808,012
7504-0101	For the operation of an environmental technology, education, and job training partnership through the Cape Cod Community College; provided, that said college shall coordinate said partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that said initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by said college to be suitable for the purposes of on-site education and training in the use of alternative technologies to clean up designated superfund sites; provided further, that preference shall be given to local applicants; and provided further, that the executive office of environmental affairs and the University of Massachusetts at Dartmouth are hereby	

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	authorized and directed to participate in the testing and evaluation of innovative technologies	\$124,438
	Toxics Use Reduction Fund	100.0%
7505-0100	For Greenfield Community College; provided, that not less than \$195,000 shall be obligated for the heritage bank building acquired by the Greenfield Community College foundation	\$7,841,855
7505-0101	For costs associated with the campus expansion at Greenfield community college	\$175,000
7506-0100	For Holyoke Community College	\$14,598,506
7506-0101	For the operation of the Holyoke home information center to be administered by Holyoke Community College; provided, that said home information center shall file a financial and programmatic plan with the house and senate committees on ways and means by January 1, 2000; and provided further, that said plan shall include, but not be limited to, a framework to make the operations of said center self-sufficient not later than fiscal year 2002	\$100,310
7507-0100	For Massachusetts Bay Community College	\$12,495,992
7508-0100	For Massasoit Community College; provided, that not less than \$274,700 shall be expended for the operation of Christo's II Culinary Arts Center	\$17,293,633
7509-0100	For Mount Wachusett Community College; provided, that \$100,000 shall be expended for the operation of the Vietnam Memorial Community Fitness and Wellness Center at Mount Wachusett community college; and provided further, that \$200,000 shall be expended for the Wood Technology center at Mount Wachusett Community College	\$10,129,124
7510-0100	For Northern Essex Community College	\$16,344,444
7511-0100	For North Shore Community College	\$16,216,356
7511-0102	For the post secondary education programs of the Essex agricultural and technical institute operated by North Shore Community College	\$1,133,607
7512-0100	For Quinsigamond Community College; provided, that \$150,000 shall be expended for start-up costs associated with the transfer of courses from the Worcester technical	

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	institute, so-called; and provided further, that said \$150,000 shall be made available subject to a 200 per cent match by the city of Worcester	\$12,390,049
7514-0100	For Springfield Technical Community College; provided, that \$606,920 shall be allocated for a reserve for the operation and maintenance expenses incurred by Springfield Technical Community College associated with the acquisition of the Digital property, so-called; provided, that said college may expend revenues in an amount not to exceed \$575,000 received from rent utility, and other charges for the operation and maintenance of said property; provided further, that \$235,336 shall be encumbered for an emergency reserve for unanticipated operating and maintenance expenses of Springfield Technical Community College in the acquisition of the Digital property, so-called; and provided further, that \$100,000 shall be made available to the Springfield Technical College foundation for costs associated with the relocation of SpringBoard Technology, Inc. within the Digital Property, so-called	\$21,253,500
7514-0102	For the Massachusetts Center for Telecommunications and Information Technology through the Springfield Technical Community College assistance corporation, as established by chapter 273 of the acts of 1994; provided, that the amount appropriated herein shall include, but not be limited to, operating and maintaining cable television programming, distance learning curricula, telecommunications-intensive company facilities, and a small business incubator	\$250,000
7515-0100	For Roxbury Community College	\$9,582,238
7515-0120	For the operation of the Reggie Lewis Track and Athletic Center at Roxbury Community College	\$1,042,921
7515-0121	For the Reggie Lewis Track and Athletic Center at Roxbury Community College; provided, that said college may expend an amount not to exceed \$247,100 received from fees, rentals, and facility expenses associated with the running and operation of national track meets, high school track meets, high school dual meets, Roxbury Community College athletic events, other special athletic events,	

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conferences, meetings, and programs; provided further, that only expenses for contracted services associated with the aforementioned events shall be funded from this item; and provided further, that all year end balances associated with the Reggie Lewis Track and Athletic Center, on an annual basis, shall be transferred to the Reggie Lewis Track and Athletic Center Building Fund in accordance with chapter 772 of the acts of 1987, as amended \$247,100
Reggie Lewis Track and Athletic Center Fund . 100.0%

7515-0129 For the purchase and installation of information technology equipment at Roxbury Community College \$1,700,000
7516-0100 For Middlesex Community College \$16,590,218
7518-0100 For Bunker Hill Community College; provided, that \$135,000 shall be obligated for the life focus center \$16,920,914
7520-0424 For a health and welfare reserve for eligible personnel employed at the community and state colleges \$2,830,369

EXECUTIVE OFFICE OF PUBLIC SAFETY.

8000-0000 For the office of the secretary \$538,275
 Highway Fund 85.0%
 General Fund 15.0%

8000-0010 For community policing grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further, that not less than \$50,000 shall be provided for community policing in the city of Salem; provided further, that not less than \$50,000 shall be provided for community policing in the town of Barnstable; provided further, that not less than \$100,000 shall be provided for community policing in the section of the city of Worcester known as Southern Worcester including but not limited to Vernon Hill and Green Island for the purpose of curtailing gang activity, related drug activity and gang formation and recruitment in addition to the grant award to said city in fiscal year 1999; provided further, that not less than \$75,000 shall be provided for the safe city program, so-called, in the city of Lynn; provided further, that not less than \$75,000 dollars shall be provided

for community policing in the city of Quincy; provided further, that not less than \$50,000 shall be made available to the town of Weymouth in addition to the grant amount in fiscal year 1999; provided further, that not less than \$75,000 shall be provided for the North Adams community policing program; provided further, that not less than \$40,000 shall be provided for the funding of the community school service anti-violence officer position in the city of Malden in addition to the grant award to such city in fiscal year 1999; provided further, that not less than \$250,000 shall be provided for community policing in the city of Lawrence in addition to the grant award to such city in fiscal year 1998; provided further, that not less than \$40,000 shall be provided for community policing in the town of Holliston; provided further, that not less than \$40,000 shall be provided for community policing in the town of Medway; provided further, that not less than \$40,000 shall be provided for community policing in the town of Hopkinton; provided further, that not less than \$60,000 shall be provided for community policing in the city of Methuen in addition to the grant awarded to such city in fiscal year 1999; provided further, that not less than \$60,000 shall be provided for community policing in the town of Salisbury in addition to the grant awarded to such city in fiscal year 1999; provided further, that not less than \$50,000 shall be provided to the town of Saugus for the drug enforcement unit; provided further, that not less than \$48,000 shall be provided for community policing in the town of Greenfield; provided further, that not less than \$30,000 shall be provided for community policing in the town of Hampden; provided further, that not less than \$30,000 shall be provided for community policing in the town of Granby; provided further, that not less than \$15,500 shall be provided for a pilot community policing program for the elderly at a Deming Way housing project, so-called, in the town of Wilmington; provided further, that not less than \$26,000 shall be provided for community policing in the town of Southborough; provided further, that not less than \$20,000 shall be provided for community

policing in the town of Buckland; provided further, that not less than \$20,000 shall be provided for community policing in the town of Deerfield; provided further, that not less than \$20,000 shall be provided for community policing in the town of Dudley; provided further, that grants shall be awarded by said executive office to the municipalities of Abington, Agawam, Amesbury, Andover, Athol, Attleboro, Avon, Bedford, Billerica, Boston, Braintree, Brockton, Brookline, Burlington, Cambridge, Canton, Chelsea, Chicopee, Dalton, Dedham, East Longmeadow, Fall River, Fitchburg, Framingham, Gill, Georgetown, Greenfield, Hanson, Haverhill, Holbrook, Holyoke, Lawrence, Longmeadow, Lowell, Ludlow, Lynn, Malden, Medford, Melrose, Methuen, Milton, Montague, Needham, New Bedford, Newton, North Adams, North Andover, North Attleborough, North Reading, Northampton, Northfield, Orange, Pittsfield, Plainville, Quincy, Randolph, Reading, Revere, Rockland, Saugus, Shelburne, Somerville, Springfield, Stoneham, Turners Falls, Waltham, Weymouth, Wilbraham, Watertown, Westfield, Winchester and Worcester in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 1999, but in no circumstance in an amount of less than \$40,000; provided further, that any such community which received \$42,000 or less in fiscal year 1999 shall be eligible to compete for additional community policing grant awards through the competitive application process administered by said executive office; provided further, that all grant applications shall be subject to said process and the criteria established for grant awards; provided further, that monies awarded by said executive office may include grants made for community policing in state-aided public housing developments; provided further, that \$40,000 shall be provided for the community safety activities of the North Cambridge Crime Task Force; provided further, that not less than \$1,200,000 shall be made available to the city of Boston in addition to the grant amount in fiscal year 1997; provided further, that \$350,000 of said \$1,200,000 shall be

made available for community policing in the Bowdoin Street-Geneva Avenue and Uphams Corner sections, so-called, of Dorchester in the city of Boston; provided further, that \$100,000 of said \$1,200,000 shall be provided for community policing in the B-2 sector, so-called, of Mission Hill in the city of Boston for additional enforcement in conjunction with the neighborhood policing program; provided further, that not less than \$20,000 shall be expended for an internship program for the purpose of staffing Lowell police department substations; provided further, that not less than \$5,000 be expended for equipment for the Lowell police department Pawtucketville substation; and provided further, that not later than January 15, 2000, said executive office shall submit a report detailing the amount of grants awarded to said grant recipients and descriptions of said grants to the house and senate committees on ways and means \$20,460,000

Local Aid Fund 100.0%

8000-0020 For the statewide emergency telecommunications board; provided, that the board shall collect an amount equivalent to the direct and indirect costs related to the board pursuant to section 18F of chapter 6A of the General Laws \$295,474

Local Aid Fund 100.0%

8000-0030 For the operation of a hate crimes awareness program to be administered by the executive office of public safety \$151,692

8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers \$23,737,040

Local Aid Fund 100.0%

8000-0101 The office of the secretary is hereby authorized to expend up to a maximum of \$17,980 in revenues collected from fees for services performed through the auto etching program \$17,980

8000-0619 For the smoking prevention and cessation program established pursuant to chapter 254 of the acts of 1992 to be administered by the executive office of public safety; provided, that not less than \$4,314,662 shall be provided for a discretionary grant program for city and town drug awareness and resistance education programs, to be known

as D.A.R.E. programs, which shall include information about the health risks of cigarette smoking and shall include the participation of local and state police officers, subject to the supervision of the department of public health; provided further that grants awarded by said executive office to a municipality under said program shall, when applicable, be in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 1999; and provided further, that not less than \$1,078,666 shall be provided as a discretionary grant program for city and town student awareness of fire education programs, to be known as S.A.F.E programs, which shall include information about the fire risks caused by smoking; and provided further that grants awarded by said executive office to a municipality under said program shall, when applicable, be in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 1999 \$5,393,328

Health Protection Fund 100.0%

Office of Chief Medical Examiner.

8000-0105 For the operation of the office of chief medical examiner established pursuant to chapter 38 of the General Laws \$3,277,625

Local Aid Fund 50.0%

General Fund 50.0%

Criminal History Systems Board.

8000-0110 For the operation of the criminal history systems board; provided, that the executive director of said board shall submit a report making recommendations on methods of staggering the expiration dates of firearms ID cards and licenses to carry, so-called, such that an approximately equal number of said cards and licenses expire in each fiscal year; provided further, that said report shall be submitted to the house and senate committees on ways and means no later than December 15, 1999; provided further, that the board shall fund one administrative assistant who shall be employed in the victim services unit of the board for the continued and enhanced operation of the post-conviction victim and witness certification program

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operated pursuant to the provisions of chapter 258B and section 172(c) of chapter 6 of the General Laws; provided further, that such victim services position shall be in addition to any such positions approved as of February 1, 1998; and provided further, that not more than \$75,000 shall be expended for the purpose of enabling local housing authorities access to criminal offense information when qualifying applicants for state-assisted housing \$3,220,190

Highway Fund 50.0%
Local Aid Fund 50.0%

8000-0125 For the operation of the sex offender registry program, including, but not limited to, the costs of maintaining a computerized registry system and the classification of persons subject to said registry \$615,931
Local Aid Fund 100.0%

8000-1122 For the telecommunications and information technology costs of the criminal history systems board; provided, that no funds provided herein shall be expended in the KK subsidiary, so-called \$3,637,330

Board of Building Regulations and Standards.

8000-0160 For the operation of the state board of building regulations and standards for the purpose of implementing and enforcing the provisions of sections 93 to 100, inclusive, of chapter 143 of the General Laws and for the registration and licensing of home improvement contractors pursuant to chapter 142A of the General Laws \$555,664

8000-0167 The state board of building regulations and standards may collect and expend an amount not to exceed \$80,000 for the purposes of providing state building code training and courses for instruction; provided, that said board may charge fees for the classes and education materials associated with administering training; provided further, that no costs in the AA subsidiary, so-called, shall be charged to this item; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payments not to exceed the lower of this

authorization or the most recent revenue estimate as
reported in the state accounting system \$80,000

Architectural Access Board.

8000-0500 For the architectural access board \$223,718

State Police.

8100-0000 For the administration and operation of the department of state police; provided, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not less than 40 officers shall be provided to the metropolitan district commission division of watershed management for the purpose of patrolling the watershed property of the commission; provided further, that funds shall be expended from this item for the administration and operation of the crime laboratory; provided further, that the colonel of state police shall maintain the satellite western Massachusetts crime laboratory located at the Massachusetts criminal justice training council; provided further, that said colonel shall provide one additional chemist who shall be situated at said crime laboratory located in the town of Agawam; provided further, that not less than \$250,000 shall be made available for said western Massachusetts crime laboratory; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not less than five officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; provided further, that the department shall enter into an interagency agreement with the metropolitan district commission to provide police coverage on commission properties and parkways; provided further, that not less than \$15,000 shall be encumbered to reimburse the city of Springfield arson and bomb squad for services performed at the request of the department of state police; provided further, that said funds shall be made available for the city of Springfield arson

and bomb squad to reimburse for training expenses; provided further, that the department shall train as many uniformed members of the state police as necessary to attain and maintain a complement of not less than six explosives technicians; . provided further, that the department shall train as many members of the state police as necessary to attain and maintain a complement of not less than 9 members of the Violent Fugitive Arrest Squad by July 1, 2000; and provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the division of law enforcement within the department of fisheries, wildlife and environmental law enforcement at no cost to, or compensation from, said division \$155,142,448

Highway Fund 88.20%
Local Aid Fund 9.50%
General Fund 2.30%

8100-0006 For private police details; provided, that the department may expend up to \$12,150,000 in revenues collected from fees charged for private police details and for the costs of administering such details; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the department of state police may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2000 to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system for the purposes stated herein to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year 2000 \$12,150,000

8100-0007 For overtime of state police officers including the operation of the drug enforcement task force; provided, that not less than \$290,533 shall be expended at the direction of the district attorney for the Suffolk district; provided further, that not less than \$407,123 shall be expended at the direction of the district attorney for the Middlesex district; provided further, that not less than \$387,660 shall be expended at the direction of the district attorney for the

Essex district; provided further, that not less than \$312,454 shall be expended at the direction of the district attorney for the Worcester district; provided further, that not less than \$244,115 shall be expended at the direction of the district attorney for the Hampden district; provided further, that not less than \$142,171 shall be expended at the direction of the district attorney for the Franklin/Hampshire district; provided further, that not less than \$354,080 shall be expended at the direction of the district attorney for the Norfolk district; provided further, that not less than \$269,240 shall be expended at the direction of the district attorney for the Plymouth district; provided further, that not less than \$254,998 shall be expended at the direction of the district attorney for the Bristol district; provided further, that not less than \$208,611 shall be expended at the direction of the district attorney for the Cape and Islands district; provided further, that not less than \$78,448 shall be expended at the direction of the district attorney for the Berkshire district; provided further, that not less than \$493,294 shall be expended at the direction of the office of the attorney general; provided further, that the department shall fund amounts in excess of the earmarks established herein for a district attorney who demonstrates to the satisfaction of the secretary of public safety a compelling need for additional overtime funds to meet extraordinary costs for the investigation and prosecution of criminal cases; provided further, that overtime dollars expended in joint operations with any federal agency which directly or indirectly reimburses the commonwealth or the department for overtime dollars expended in such operations shall not be included in the calculation of total overtime usage of district attorneys and shall not reduce the amounts allotted herein; provided further, that the balance of this appropriation may be expended for the overtime costs incurred by the department of state police; and provided further, that said department shall provide monthly reports to each district attorney's office and the house and senate committees on ways and means delineating the amount of

overtime hours used, the cost of such overtime, the amount of overtime dollars spent to date and the amount of available overtime dollars for the district attorney's office. . . \$14,345,618

Highway Fund	88.20%
Local Aid Fund	9.50%
General Fund	2.30%

8100-0011 The department of state police may expend an amount not to exceed \$1,600,000 for certain police activities provided pursuant to agreements authorized in this item; provided, that for fiscal year 2000, the colonel of state police may enter into service agreements with the commanding officer or other person in charge of a military reservation of the United States located in the commonwealth or the Massachusetts Development Finance Agency, established in chapter 23G of the General Laws; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of furnishings and equipment necessary to provide such police services; provided further that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that said colonel may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received therefor; and provided further, that notwithstanding the provisions of any general or special law to the contrary and for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate \$1,600,000

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	Highway Fund	100.0%
8100-0017	For the operation of the state police air wing; provided, that the funds appropriated herein shall be for the increased operational and maintenance costs of the air wing which are directly associated with the purchase of additional helicopters during fiscal year 1999; and provided further, that the amount appropriated herein shall be in addition to and shall not supplant or replace funds provided for air wing maintenance in item 8100-0000, prior appropriation continued.	
8100-0020	The department of state police is hereby authorized to expend an amount not to exceed \$482,643 in fees charged for the use of statewide telecommunications system on the maintenance of said system; provided, that the colonel of state police shall submit a report on the schedule of fees assessed on all entities charged for the use of said system; provided further, that said report shall include each entity's actual and projected usage of said system in fiscal year 2000; and provided further, that said report shall be submitted to the house and senate committees on ways and means not later than December 1, 1999	\$482,643
8100-0062	For the completion of the training of a state police class, and related costs pursuant to item 8100-0062 of section 2A of chapter 399 of the acts of 1998	\$689,722
8100-0201	The department of state police shall expend up to \$1,040,305 from reimbursements received from the motor carrier safety assistance program for the costs of said program, including personnel	\$1,040,305
8100-0301	For the payroll costs of state police patrols; provided, that \$365,000 shall be expended on a pilot program for the Medford state police barracks entitled Zero Tolerance and Fire Risk Prevention to increase patrols and public safety using bicycles and other policing means within the Middlesex Fells and Mystic River Reservation district; provided further, that \$12,700 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth; provided further, that \$30,240 shall be expended for the costs	

associated with providing state police patrols three nights per week in the city of Brockton, south between Montello street and Warren avenue and north to Battle street between Montello street and Warren avenue, or at other locations and such patrols shall be assigned between the hours of 8:00 p.m. and 4:00 a.m. beginning July 1, 1999 for a period of 18 weeks, as deemed necessary; provided, further, that \$30,000 shall be expended for the cost associated with providing state police services at Breakheart Reservation; provided further, that \$75,000 shall be expended for the costs of state police patrols along the Charles river esplanade and the Charlesgate area of the city of Boston; provided further, that not less than \$40,000 shall be expended for patrols along Revere Beach, which shall be assigned between the hours of 10 p.m. and 4 a.m. nightly from July 1 through September 15th inclusive; provided further, that \$49,860 shall be expended for the costs of state police patrols at Lynn Shore Drive, Lynn beach, Kings beach, Nahant causeway, and Nahant beach; provided further, that \$116,500 shall be expended for the costs associated with state police mounted patrols on Lynn beach, Kings beach, and Red Rock park, so-called; provided further, that \$35,000 shall be expended for the costs associated with patrols of the Wollaston beach, Quincy Shore Drive section of the city of Quincy; provided further, that \$305,000 shall be expended for the purpose of increased patrols during the months of April to October, inclusive, at Winthrop beach and Winthrop Shore drive in the town of Winthrop, Revere beach in the city of Revere and Constitution beach and Belle Isle marsh in the East Boston section of the city of Boston; provided further, that not less than \$238,000 shall be expended to provide motorcycle patrols along the southwest corridor, so-called; provided further, that \$45,000 shall be expended to provide patrols of Blue Hill and Stonybrook reservations and those parklands and roadways under the care and control of the metropolitan district commission patrolled by the state police in the Hyde Park, West Roxbury, Roslindale and Readville sections of the city of Boston and in the towns of Canton, Milton, Randolph and along the state-owned

portion of Willard Street adjacent to the Shea Rink in the city of Quincy and other property under the care, custody and control of the metropolitan district commission in the city of Quincy; provided further, that not less than \$50,000 shall be expended to provide increased patrols during the months of April to October, inclusive, at Mary O'Malley Park in the city of Chelsea; provided further, that not less than \$130,000 shall be expended for the cost of state police patrols for the Neponset river bicycle path in the town of Milton and the Dorchester section of the city of Boston; provided further, that not less than \$167,486 shall be expended for the cost of increased state police patrols during the months of June to September, inclusive, for Nantasket beach in the town of Hull; provided further, that \$46,666 shall be expended for patrols of properties of the metropolitan district commission located along Day boulevard in the South Boston section of the city of Boston; provided further, that the patrols along Day boulevard shall be assigned between the hours 8:00 p.m. and 4:00 a.m., nightly until November 1, 1999; provided further, that \$40,000 shall be expended for patrols along state highway route 2 between the city of Fitchburg and the town of Greenfield; provided further, that \$15,500 shall be expended for patrols along state highway route 88 in the town of Westport; provided further, that \$18,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their districts; provided further, that notwithstanding the provisions of any general or special law to the contrary, all funds appropriated herein shall be scheduled in the AA subsidiary, so-called; and provided further, that \$20,000 shall be expended for the purpose of a state police patrol in the Willow street area, so-called, of Yarmouth \$1,830,452

Local Aid Fund 100.0%

8100-9999 For the payment of charges assessed to the department for the payment of workers' compensation, unemployment

insurance, Medicare taxes, the medical security plan and the group insurance commission extended leave chargeback, so-called; provided that, notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2000 all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the colonel of state police, with the approval of the secretary of administration and finance, may transfer from said DD subsidiary to the KK subsidiary, so-called; or the NN subsidiary, so-called; of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the total amount of the assessed changes is fully encumbered and is less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any other items of appropriation; (3) that the department is expected to meet the revenue targets established for fiscal year 2000; and (4) that the department has not expended any funds for the payment of the charges in any other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein \$2,141,478

Highway Fund 88.20%
Local Aid Fund 9.50%
General Fund 2.30%

Criminal Justice Training Council.

8200-0200 For the operation of programs conducted by the Massachusetts criminal justice training council; provided, that said council shall expend not more than \$250,000 in accordance with the provisions of chapter 30B of the General Laws, for training and technical assistance for police chiefs; provided further, that the salary of the

executive director shall be paid from this item; provided further, that such training shall include, but not be limited to, updating of training manuals, review of rules and regulations for police officers, updating of Civil Liability and Injured on Duty handbooks, updating of the chief's Guide to Labor Relations, professional development conference, seminars and classes, and management training; provided further, that said executive director shall provide copies of said revised manuals to the house and senate committees on ways and means not later than March 15, 2000; provided further, that said executive director shall submit a report on all specialized training offered by said council; provided further, that the report shall include, but not be limited to, the ongoing need for specialized training of police chiefs and shall identify the estimated cost of providing such training to police chiefs; provided further, that the report shall be submitted to the house and senate committees on ways and means not later than January 1, 2000; provided further, that said council shall train only as many recruits as the appropriation herein allows, while still providing in service training; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein \$3,727,744

Local Aid Fund 100.0%

Department of Public Safety.

- 8311-1000 For the administration of the department of public safety \$818,965
- 8315-1000 For the administrative costs of the division of inspections; provided, that the expenses of the state boxing commission shall be paid from this item; provided further, that not less than \$30,000 shall be made available for an eye examination program for boxers participating in events regulated by the state boxing commission; provided further, that the commission shall charge professional boxers for the cost of such eye examinations; provided further, that a doctor's certificate from another state shall be accepted as evidence of such an examination; provided further, that fees for inspections performed during

overtime hours shall be determined by the commissioner of administration; provided further, that the fee for inspections performed during overtime hours shall be not less than \$100; provided further, that the division shall inspect all elevators in the state house and the McCormack and Saltonstall office buildings; provided further, that said commissioner shall submit monthly reports to the house and senate committees on ways and means detailing the investigator caseloads in each division of inspection, without disclosing names or other personal identifiers of such investigators; and provided further, that the first such report shall be filed not later than December 15, 1999 \$1,093,994

8315-1002 For the salaries of department of public safety inspectors, including building inspectors, district engineering inspectors and elevator inspectors; provided, that no funds shall be expended from this item for the salaries of the commissioner or deputy commissioner of public safety; provided further, that the department shall employ two additional elevator inspectors in fiscal year 2000 in excess of any such positions approved as of February 1, 1998 and an additional engineer inspector; provided further, that such additional engineer inspector's duties shall include, but not be limited to, administering pipefitter license examinations; provided further, that such additional engineer inspector and elevator inspectors shall be regular state employees compensated from the AA subsidiary, so-called, of this item; and provided further, that such additional engineer inspector position shall be in addition to any such positions added during fiscal year 1995. \$3,020,426

Department of Fire Services.

8324-0000 For the administration of the department of fire services; provided, that notwithstanding the provisions of any general or special law to the contrary, 75 per cent of the amount appropriated herein shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance \$2,059,505

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- 8324-1000 For the operation of the state fire marshal's office; provided, that \$100,000 shall be expended for a Suffolk county arson prevention program; provided further, that notwithstanding the provisions of any general or special law to the contrary, the amount appropriated herein shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of said assessment from the commissioner of insurance; provided further, that not more than 10 per cent of the amount designated for said arson prevention program shall be expended for the administrative cost of the program; provided further, that the expenses of the board of fire prevention regulations, pursuant to section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; provided further, that not less than \$75,000 be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth, including, but not limited to, consultant services, training, equipment, and supplies; provided further, that not less than \$100,000 shall be appropriated for a western Massachusetts office for the state fire marshal at the former Northampton State Hospital; provided further, that the fire marshal shall establish a course for municipal fire personnel in blasting technologies and safety; and provided further, that said fire marshal may establish fees to cover the cost of said course \$870,180
- 8324-1007 For the operation of the hazardous materials emergency response program; provided, that notwithstanding the provisions of any general or special law to the contrary, funds scheduled in the PP subsidiary, so-called, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2000, shall not be transferred to any other subsidiary in said fiscal year \$1,688,244
- 8324-1101 For the costs of the department for the enforcement of underground storage tank compliance standards set forth in sections 38B to 38I, inclusive, of chapter 148 of the

	General Laws and the rules and regulations promulgated pursuant thereto	\$164,382
	Underground Storage Tank Petroleum Product Clean-up Fund	100.0%
8324-1500	For the fire training program, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that notwithstanding the provisions of any general or special law to the contrary, the estimated expenses of the administration of the academy, including the estimated expenses of training facilities and curriculum for firefighting personnel and training programs, shall not exceed \$3,235,446 in fiscal year 2000; provided further, that not less than \$48,992 shall be available for the community-based fire prevention program in the Fall River area; provided further, that the funds necessary to support this item shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of said assessment from the commissioner of insurance; and provided further, that not less than \$32,500 shall be provided for the community based fire prevention program in the city of Malden; provided further, that not more than \$25,000 shall be expended for a matching grant to the town of Brewster fire department for the conversion of a military surplus vehicle into a heavy duty brush fire apparatus; provided further, that said grant shall not be allotted or disbursed prior to the commitment of equal matching funds from the town of Brewster for said vehicle conversion; and provided further, that \$588,981 shall be used to provide for additional recruit fire training by adding a split days option	\$3,235,446
	Local Aid Fund	100.0%

Registry of Motor Vehicles.

8400-0001	For the administration and operation of the registry of motor vehicles, including the Title division and including all rent and related parking and utility expenses of said registry; provided, that the positions of administrative assistant to	
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the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules by said division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; provided further, that the registry shall operate an office in the city of Fall River; provided further, that said registry shall operate a full service office in the city of Lowell; provided further, that said registry shall establish and operate a license express office, so-called, in the city of Lynn; provided further, that said registry may operate a license express office, so-called, in the Grove Hall neighborhood in the city of Boston; provided further, that the registry shall operate an office in the city of Taunton which shall handle license business, learner's permits, road testing and full service registration business to the general public, as provided through April 24, 1998; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that such record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall have an employee or other such person answering all initial incoming telephone calls at the customer phone information center between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that said registry shall report to the house and senate committees on ways and means on the actual and projected impacts of the lifetime registration and license policies on the staffing levels in said registry for fiscal years 2000, 2001, 2002; provided further, that the registry shall report to the house and senate committees on ways and means not later than January 15, 2000 on the

actual and projected impacts of the lifetime registration and lifetime license policies on the total revenues collected or projected for collection by said registry during fiscal years 2000, 2001 and 2002; provided further, that the report shall detail the monthly average number of total customer transactions completed in person by branch for fiscal years 1994 to 1999, inclusive, including the average length of the transactions for the same periods; provided further, that the registry shall operate within the Springfield branch a one-stop international registration plan office, so-called, for truck registrations to serve the counties or former counties of Hampden, Hampshire, Franklin and Berkshire; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; and provided further, that said registry shall submit a report to the house and senate committees on ways and means not later than April 1, 2000 detailing the steps taken and the resultant change in customer service \$44,445,330

Highway Fund 100.0%

8400-0024 Notwithstanding the provisions of section 2 of chapter 280 of the General Laws, the registry of motor vehicles may expend revenue collected up to a maximum of \$2,300,000 pursuant to chapter 90C of the General Laws from assessments for civil motor vehicle infractions; provided, that the amount of this expenditure shall be subtracted from the amount that otherwise would be credited to the Highway Fund pursuant to said section 2 of said chapter 280 and shall not affect nor alter the amounts of payments made to cities and towns pursuant to said section 2 of said chapter 280; and provided further, that no costs payable in the AA subsidiary, so-called, shall be charged to this item \$2,300,000

8400-0033 The registry of motor vehicles may expend revenues collected up to a maximum of \$3,500,000 from the fees charged for driver record access, operating under the influence reinstatement and registration reinstatement; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the registry may incur expenses and the comptroller may

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certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules prepared by said division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of said computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; and provided further, that no costs payable in the AA subsidiary, so-called, shall be charged to this item \$3,500,000

Merit Rating Board.

8400-0100 For the operation of the safe driver insurance plan authorized by chapter 6 of the General Laws, including the rent, related parking and utility expenses of the merit rating board; provided, that notwithstanding the provisions of any general or special law to the contrary, no safe driver insurance plan shall require the payment of an unsafe driver point surcharge for the first offense for non-criminal, motor vehicle traffic violations as described in chapter 90C of the General Laws \$7,109,343
Highway Fund 100.0%

Committee on Criminal Justice.

8600-0001 For the administration of the committee on criminal justice; provided, that the executive director of said committee shall submit a report which shows the amounts of all grants awarded to municipalities by said committee in fiscal years 1998 and 1999; provided further, that said report shall provide the exact amount of required state match for all federal programs; and provided further, that said report shall be submitted to the house and senate committees on ways and means no later than February 1, 2000 \$295,516
8600-0060 For the purchase and distribution of sexual assault evidence collection kits \$41,250

Military Division.

8700-0001 For the operation of the military division, including the offices of the adjutant general and state quartermaster, the operation of the armories, the camp Curtis Guild rifle range and certain national guard aviation facilities; provided, that notwithstanding the provisions of chapter 30 of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so-called; and provided further, that said adjutant general shall maintain a roster of Massachusetts veterans as directed by section 15 of chapter 33 of the General Laws \$6,120,801

General Fund 50.0%

Local Aid Fund 50.0%

8700-1140 The state quartermaster may expend revenues collected up to a maximum of \$185,000 accrued from fees for the non-military rental or use of armories for the costs of utilities and maintenance; provided, that the state quartermaster may expend an additional amount not to exceed \$655,000 for salaries, subsistence, quarters, and associated costs for national guard members ordered to perform state missions pursuant to the provisions of chapter 33 of the General Laws, from revenues resulting from the acceptance of funds from any person, governmental entity or nongovernmental entity to defray such expenses \$840,000

Massachusetts Emergency Management Agency.

8800-0001 For the operations of the Massachusetts emergency management agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities; provided further, that not less than \$22,000 shall be available for the fuel, insurance, equipment, maintenance and miscellaneous expenses to sustain the operation of the Massachusetts civil air patrol for aerial surveillance of the commonwealth and other water areas to monitor for environmental pollution discharges, toxic waste dumps, transportation of hazardous materials and wastes and accidents involving such transport, in conjunction with the responsible agency; provided further, that not less than \$75,000 shall be made

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available for the federal emergency management agency multi-hazard program, so-called; and provided, however, that there shall be at least a 100 per cent match by the federal government \$772,825

Local Aid Fund 100.0%

8800-0100 For the nuclear safety preparedness program of the Massachusetts emergency management agency; provided, that the costs of said program, including fringe benefits and indirect costs, shall be assessed upon Nuclear Regulatory Commission licensees operating nuclear power generating facilities in the commonwealth; provided further, that the department of telecommunications and energy shall develop an equitable method of apportioning such assessments among such licensees; and provided further, that such assessments shall be paid during the current fiscal year as provided by said department and shall be credited to the General Fund \$421,054

Local Aid Fund 100.0%

8800-0200 For the Seabrook nuclear safety preparedness program; provided, that the cost of said program shall be assessed on electric companies in the commonwealth which own, in whole or in part, or purchase power from, nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section 2B of chapter 639 of the acts of 1950, include communities located within the commonwealth and shall be credited to the general fund; provided further, that for the purposes of this item, "electric companies" shall mean all persons, firms, associations and private corporations which own or operate works or a distributing plant for the manufacture and sale or distribution and sale of electricity within the commonwealth; and provided further, that the term "electric company" shall not include municipalities or municipal light plants \$280,028

Governor's Highway Safety Bureau.

8850-0001 For the highway safety program to provide matching funds for a federal planning and administration grant pursuant to 23 USC section 402 (d) \$270,341

Highway Fund 100.0%

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8850-0015	For the expenses of the motorcycle safety program	\$181,440
	Motorcycle Safety Fund	100.0%

Department of Correction.

8900-0001	For the operation of the commonwealth's correctional facilities, including the increased operational costs for the Souza-Baranowski Correctional Center at Shirley; provided, that the department shall maintain operations of one 12-bed treatment unit for females who are awaiting trial or who have been convicted of a crime and who are in need of detoxification and treatment for chemical dependency or alcoholism; provided further, that when the department determines that it is necessary to transfer prisoners to a facility outside of the commonwealth, said department shall determine which such available facility is the geographically closest facility that will provide the most cost-effective transfer; provided further, that the department shall implement a statewide post-conviction victim and witness advocacy program; provided further, that not less than \$150,000 shall be expended for salaries and employee benefits of five victim and witness advocates; provided further, that the number of victim and witness advocate positions funded from this item in fiscal year 2000 shall be not less than the number funded from this item in fiscal year 1999; provided further, that training and technical assistance shall be provided and the program shall be coordinated, monitored and evaluated; provided further, that the commissioner of said department shall submit a report on the IMS/Intel database, so-called; provided further, that said report shall include a detailed description of the proposed program, a detailed cost analysis and a detailed description of other available systems and associated costs; and provided further, that said report shall be submitted to the house and senate committees on ways and means no later than January 1, 2000	\$316,464,969
8900-0002	For the administration of the department; provided, that employees in the prisoners classification division shall not be subject to civil service law and rules; provided further, that notwithstanding the provisions of any general or special law to the contrary, the personnel administrator	

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shall certify to the commissioner of correction, upon receipt of permanent requisitions, names of correction officers to fill permanent vacancies; provided further, that the commissioner of the department shall submit a report on the recidivism rate of offenders who have been, or currently are, incarcerated in said department; provided further, that said report shall include data from fiscal years 1990 to 1999, inclusive; provided further, that said report shall include information regarding recidivism rates by program and facility; and provided further, that said report shall be submitted to the house and senate committees on ways and means no later than February 29, 2000 \$4,023,925

8900-0003 For local relief to mitigate inordinate fiscal demands placed on local life, health and safety departments in cities and towns hosting a state correctional facility; provided, that each such city and town shall receive a percentage of the total funds appropriated herein which shall be equal to the total state inmate population incarcerated within a state correctional facility located within such city or town; provided further, that all inmates incarcerated at the minimum security prison at Massachusetts correctional institution at Shirley and the medium security prison Massachusetts correctional institution at Shirley shall be deemed to be incarcerated within a correctional facility located in the town of Shirley; provided further, that of the number of inmates incarcerated at Souza-Baranowski correctional center, one-half shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; and provided further, that for the purpose of mitigation calculation, all distribution percentages shall be calculated according to the department of correction's average daily inmate population record for the prior fiscal year \$997,000

Local Aid Fund 100.0%

8900-0004 For inmate health services; provided, that the commissioner of correction shall file quarterly reports detailing expenditures from this item with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special

law to the contrary, expenditures made from the RR subsidiary, so-called, of this item for the contracted provider service costs associated with the purposes of the programs funded in this item shall not exceed \$50,989,524; provided further, that the cost of any health services furnished to inmates which are not funded by this item shall be detailed in said quarterly report; provided further, that any such health services funded outside this item shall not become recurring liabilities of the commonwealth; and provided further, that said report shall detail the costs incurred and services utilized, by funding source, resulting from implementation of the recommendations in the report dated January 31, 1997 and prepared by the university of Massachusetts medical center relative to the management of inmate psychiatric services known as the Salvi recommendations \$51,991,081

8900-0007 For the expenses of the community resource centers under contract to or operated by the department; provided, that one such additional community resource center shall be located in the city of Fall River; provided further, that one such additional center shall be located in the city of Worcester; provided further, that one such additional center shall be located in the city of Lowell; and provided further, that the annualized costs of this item shall not exceed \$1,005,101 \$718,289

8900-0009 For educational services of the department; provided, that not more than \$150,000 be made available for a literacy educational pilot program at two correctional facilities, one of which shall be the Massachusetts Correctional Institution, Framingham; provided further, that not more than \$200,000 shall be made available for expanding the mandatory functional literacy program with preference given to those within 18 months of release; and provided further, that no part of any salary of any employee assigned to this item shall be charged to items 8900-0001, 8900-0002, 8900-0003, 8900-0004, or 8900-0007 \$4,962,493

8900-0010 For prison industries and farm services; provided, that the commissioner of correction shall determine the cost of manufacturing motor vehicle registration plates and certify to the comptroller the amounts to be transferred from the

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Highway Fund to the General Fund; and provided further, that the commissioner of correction shall submit quarterly financial reports detailing revenues generated and expended, to the house and senate committees on ways and means. . . . \$2,607,397

8900-0011 For a prison industries and farm services revenue retention account; provided, that the department is hereby authorized to expend an amount not to exceed \$3,367,995 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system, so-called \$3,367,995

8900-0015 For correctional residential services; provided, that not less than \$500,000 shall be expended for a contracted low-security residential program for incarcerated expectant mothers; and provided, that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester; and provided further, that not less than \$150,000 shall be obligated for assistance to incarcerated mothers \$770,000

8900-0016 For the cost of housing state inmates in federal prisons \$500,000

8900-1991 For the expansion of substance abuse treatment programming for underserved females who are in need of emergency detoxification or treatment for substance abuse and who are awaiting trial or convicted of a crime related to an acute substance abuse problem; provided, that the amount appropriated herein shall support expenditures associated with site preparation, infrastructure improvement and the acquisition of a 60-bed housing and substance abuse treatment facility at Massachusetts correctional institution Framingham; provided further, that no funds appropriated herein shall be used for the operation of said facility; provided further, that said funds shall be one-time non-recurring expenditures which shall be made available for expenditure until June 30, 2001; provided further, that the department shall submit a report to the house and senate committees on ways and means outlining a schedule for the acquisition of said facility and the implementation of

treatment programs; provided further, that said report shall include an estimate of the annualized cost of operating said facility; provided further, that said report shall be submitted no later than February 1, 2000; and provided further, that no expenditures shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the General Laws, as inserted by section 43 of this act \$5,000,000

Tobacco Settlement Fund 100.0%

8900-9999 For the payment of charges assessed to the department of correction for the payment of workers' compensation, unemployment insurance, Medicare taxes, medical security plan and the group insurance commission extended leave chargeback, so-called; provided, that, notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2000, all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of correction, with the approval of the secretary of administration and finance, may transfer from the DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the total amount of the assessed charges is fully encumbered and is less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established for fiscal year 2000; and (4) that the department has not expended any funds for the payment of the assessed charges in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be

scheduled to any subsidiary in this account which is not
explicitly referenced herein \$12,074,591

County Corrections.

8910-0000 For a reserve to fund county correctional programs; provided, that not less than \$415,000 shall be expended for a contract with Project Coach, so-called, to operate an intermediate sanctions program in the city of New Bedford; provided further, that not less than \$5,879,911 shall be made available to Barnstable county; provided further, that not less than \$4,564,896 shall be made available to Berkshire county; provided further, that not less than \$23,668,780 shall be made available to Bristol county; provided further, that not less than \$1,009,393 shall be made available to the county of Dukes county; provided further, that not less than \$59,714 shall be made available to Nantucket county; provided further, that not less than \$15,036,352 shall be made available to Norfolk county; provided further, that not less than \$24,791,565 shall be made available to Plymouth county and expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to the provisions of clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that not less than \$71,851,909 shall be made available to Suffolk county; provided further, that the balance of funds appropriated herein shall be distributed among the counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that Suffolk county may receive additional funding from the balance for county correction maintenance and operation expenses; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place such funds in a separate account within the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer shall be authorized to

transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by subsidiary and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that such delineation shall include vehicle make and model, year, mileage, condition, date purchased or leased and vehicle primary use; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2000 unless such purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding the provisions contained herein,

sheriffs may purchase "marked" prisoner transportation vans, so-called, upon notification to the county government finance review board; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that documentation of such expenditures and savings shall be submitted to the house and senate committees on ways and means not later than December 30, 1999 and shall make provision for such system of shared contracts, regionalized services, bulk purchasing and other centralized procurement savings to take effect not later than June 30, 2000; provided further, that the daily count sheet for county facilities, so-called, compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 1999, each county sheriff shall submit a final spending plan for fiscal year 2000 to the county government finance review board detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 1999, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than December 15, 1999;

provided further, that on or before December 15, 1999, the county government finance review board shall have approved final fiscal year 2000 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means with copies of such approved budgets not later than December 15, 1999; provided further, that such budgets shall include distribution schedules for the final two quarters of fiscal year 2000 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated herein and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2000, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 1999 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2000, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated herein, the maintenance of effort obligations for Suffolk county shall be 6.875 per cent of the total fiscal year 2000 Suffolk county correction operating budget as approved by the county government finance review board; provided further, that notwithstanding the provisions of any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2000 that all

municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, said deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter local aid "cherry sheet" distribution, so-called, authorized from account 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before December 15, 1999, said deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2000, notwithstanding the provisions of section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for said fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; provided further, that any county which borrowed under the provisions of section 6 of chapter 193 of the acts of 1989 on or before July 31, 1989 or which borrowed in fiscal year 1989 under the provisions of section 36A of chapter 35 of the General Laws, may refund such debt for a term not to exceed seven years from the date of the original loan with payments on such refunding loan to be made in accordance with the provisions of said chapter 35 and section 12 of chapter 64D of the General Laws, as may be applicable; provided further, that each sheriff shall continue to report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the comptroller pursuant to the provisions of section 27 of chapter 29 of the General Laws; provided further, that title of all modular leases held by the

executive office of public safety on behalf of the former Middlesex county sheriff's office shall be conveyed to the sheriff of the former Middlesex county on the effective date of this act; provided further, that the sheriff of Plymouth county shall submit a report on the refinancing of bonds issued for the Plymouth county correction facility; provided further, that said report shall include all plans for usage of savings derived from said refinancing; provided further, that said report shall be submitted to the house and senate committees on ways and means no later than January 1, 2000; and provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than December 31, 1999 \$162,138,534

Local Aid Fund 100.0%

8910-0010 For the purpose of funding expenses for services provided to inmates of county correctional facilities by the department of public health Lemuel Shattuck hospital in fiscal year 2000; provided, that said department shall notify the county government finance review board and the comptroller of all such expenses; provided further, that not more than 30 days after receiving such notification, the board shall certify to the comptroller the amount of such expenses to be charged to this item; provided further, that upon receiving such certification, the comptroller shall effect the transfer of such amount from this item to item 4590-0903 in section 2B; and provided further, that such actual and projected payments shall be considered expenditures within each county spending plan and shall be reflected as such in proposed spending plans required by 8910-0000 in section 2 \$997,283

Local Aid Fund 100.0%

Sheriffs.

8910-0102 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampden county; provided, that said sheriff shall report to the house and senate committees on ways and means on

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- the average monthly inmate population in said county starting not later than December 31, 1999 \$45,899,900
- 8910-0105 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Worcester county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than December 31, 1999 \$31,740,456
- 8910-0107 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Middlesex county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than December 31, 1999 \$41,045,440
- 8910-0108 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Franklin county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than December 31, 1999 \$5,762,993
- 8910-0110 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampshire county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than December 31, 1999 \$8,674,065
- 8910-0619 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Essex county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than December 31, 1999 \$33,106,250
- 8910-1000 For a prison industries revenue retention account for the Hampden sheriff's department; provided, that the

department may expend any amount not to exceed \$488,554 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to the provisions of chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system, so-called \$488,554

8910-1100 For a prison industries revenue retention account for the Middlesex sheriff's department; provided, that the department may expend an amount not to exceed \$75,000 for revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to the provisions of chapter 29 of the General Laws and recorded in the Massachusetts management accounting and reporting system, so-called \$75,000

Parole Board.

8950-0001 For the operation of the parole board; provided, that not less than \$261,000 shall be expended for the pathways program, so-called, to include direct linkages and interagency agreements for the provision of services with the appropriate workforce development agencies; provided further, that the executive director of said board shall submit a report on the recidivism rate of all offenders remanded to the supervision of said board; provided further, that said report shall include data from fiscal years 1990 to 1999, inclusive; provided further, that said report shall be submitted to the house and senate committees on ways and means no later than February 1, 2000; and provided further, that no management level employee of said board shall receive an increase in pay until said report has been submitted \$13,286,603

8950-0002 For the victim and witness assistance program of the parole board, in accordance with the provisions of chapter 258B of the General Laws \$218,081
Victim Witness Assistance Fund 100.0%

EXECUTIVE OFFICE OF ELDER AFFAIRS

- 9110-0100 For the operation of the executive office of elder affairs; provided, that the secretary of elder affairs shall collaborate with the commissioner of medical assistance and the deputy purchasing agent of the operational division to identify and seek federal reimbursement for all home care services meeting the definition of personal care services in 42 CFR 440.170(f) and case management in 1915(g) of Title XIX, furnished to persons eligible for medical assistance under the provisions of chapter 118E of the General Laws; provided further, that \$37,000 shall be expended for the elder advocacy organization known as the silver-haired legislature for the costs of one half of one full time equivalent position to support any and all administrative functions of said organization; provided further, that said executive office shall enter into an interagency service agreement with the department of veterans' services to maximize revenues by identifying individuals who are eligible for veterans' pensions and are currently receiving home care and home health services; provided further, that said secretary shall submit to the house and senate committees on ways and means, not later than February 1, 2000, a report detailing the specific staffing pattern and service delivery structure for all aging service access points, or ASAP's, so-called, under contract with said office, including, but not limited to, the number of directors, case managers, service coordinators, administrative assistants, and other positions employed or contracted by such ASAP's; provided further, that said report shall further detail the average caseload ratio for such case managers and personal home-makers for each ASAP, so-called, and the average number of hours per week each such case manager, and personal home-maker spends per client for each such vendor; provided further, that said secretary shall establish a community care ombudsman; and provided further, that not less than \$300,000 shall be made available for the purpose of funding said ombudsman program \$2,367,508
- 9110-0102 For the regulation of assisted living facilities; provided, that the executive office of elder affairs shall report quarterly to

the house and senate committees on ways and means the number of assisted living units certified and the total revenues generated from application and certification fees for such units \$235,243

9110-1500 For the provision of additional home care, home health, case management and other community services through the enhanced community options program to those seniors who may have lost or are receiving diminished Medicare home health services; provided, that the secretary, in consultation with the commissioner of medical assistance, shall actively seek to obtain federal financial participation through said division for any and all services provided to seniors who qualify for Medicaid benefits pursuant to the section 2176 waiver; and provided further, that such reimbursement shall be deposited in the general fund \$11,692,800

9110-1603 For managed care in housing for individuals at risk of institutionalization due to functional impairments not of sufficient severity to meet Medicaid nursing home clinical admissions criteria; provided, that such individuals shall be subject to the same rules and regulations as clients served under item 9110-1630; and provided further, that no rate increase for managed care services shall be awarded in fiscal year 2000 which would cause a reduction in client services or in the number of clients served \$8,763,657

9110-1630 For contracts with aging service access points, so-called, or other qualified entities for the home care program, including home care, health aides, home health and respite services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided further, that the secretary of elder affairs may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than \$5,200,000 in revenues accrued from sliding fees shall be retained by the individual home care corporations without reallocation by the executive office of elder affairs, and shall be expended for the purposes of the home care program, consistent with guidelines to be issued by said executive office; provided further, that said executive office shall report quarterly to the house and senate committees on ways and means on the receipt and

expenditure of revenues accrued from the sliding fees; provided further, that the executive office shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item and item 9110-1634 for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06; provided further, that no rate increase shall be awarded in fiscal year 2000 which would cause a reduction in client services or the number of clients served; provided further, that \$825,000 of the amount appropriated herein shall be made available for the Supportive Housing Program, so-called; and provided further, that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aid services, which would cause a reduction in client services \$88,763,087

9110-1633 For contracts with aging service access points, so-called, or other qualified entities for home care case management services and the administration of the home care corporations funded through item 9110-1630 and item 9110-1603; provided, that such contracts shall include the costs of administrative personnel, home care case managers, travel, rent and other costs deemed appropriate by the executive office of elder affairs \$35,386,824

9110-1634 The executive office may expend an amount not to exceed \$3,000,000 from federal revenues collected pursuant to Title XIX of the Social Security Act for case management and personal care and related services provided to medicaid-eligible home care clients; provided, that not more than \$1,000,000 may be expended pursuant to item 9110-1630 of this act; and provided further, that not more than \$2,000,000 may be expended pursuant to item 9110-1633 of this act \$3,000,000

9110-1636 For the elder protective services program, including protective services case management, the statewide elder abuse hotline, guardianship services and the elder-at-risk program; provided, that \$180,000 shall be expended for the money management program for the elderly; and provided further, that an additional \$150,000 shall be expended for

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	the provision of protective legal services for elders	\$8,548,713
9110-1660	For congregate and shared housing services for the elderly; provided, that the secretary of elder affairs shall make funding of not less than \$50,000 available for congregate housing services at the Tuttle House facility in Dorchester. . .	\$1,347,477
9110-1700	For residential assessment and placement programs for homeless elders	\$250,000
9110-1900	For local services; provided, that all funds appropriated under this item for an elder service corps shall be for corpsmen stipends, for the cost of mailing corpsmen stipends and for corpsmen participation in group insurance programs, as set forth in chapter 1168 of the acts of 1973; provided further, that the stipend for full-time corpsmen shall not exceed the maximum allowed under earnings limitation sections of the Social Security Act and the stipend for part-time corpsmen shall not exceed \$130 per month; provided further, that not less than \$4,075,387 shall be obligated for the administration of a meals program for elderly persons; provided further, that the executive office of elder affairs shall maximize federal reimbursement for meals funded herein; provided further, that \$30,000 shall be obligated for a youth/elder outreach position at the Roche Family Community Center in West Roxbury; and provided further, that not less than \$15,000 shall be expended for the Grandparents as Parents Initiative, so-called	\$5,270,259
	Local Aid Fund	100.0%
9110-9002	For the local services program for grants to the councils on aging and for grants to or contracts with nonpublic entities which are consortia or associations of councils on aging; provided, that notwithstanding the foregoing, all monies appropriated in this item shall be expended in accordance with the distribution schedules for formula and incentive grants established by the secretary; provided further, that such distribution schedules shall be submitted to the house and senate committees on ways and means; provided further, that \$25,000 shall be expended for licensing fees paid to the Motion Picture Licensing Corporation; and provided further, that \$50,000 shall be expended on the Massachusetts senior games	\$6,310,000

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Local Aid Fund 100.0%

Legislature.

Senate.

0185-7888	For the additional expenses of the senate committee on ways and means which are associated with the review and study of the commonwealth's health care systems, pension systems, organizational structure and other policy areas, prior appropriation continued.	
9511-0000	For the compensation of senators; provided, that notwithstanding the provisions of any other general or special law to the contrary, the funds appropriated herein shall be expended only in accordance with the provisions of section 3 of chapter 192 of the acts of 1994, prior appropriation continued	\$2,279,400
9511-8000	For the expenses of senators, including travel, prior appropriation continued	\$228,000
9512-0000	For the office of the senate clerk, prior appropriation continued	\$794,563
9512-0100	For in-house printing, duplicating and other expenses, prior appropriation continued	\$99,072
9514-0000	For the office of the senate counsel, prior appropriation continued	\$590,000
9515-0000	For administrative and legislative aides to the senators, including the salary of the chaplain of the senate, prior appropriation continued	\$5,700,000
9515-0100	For the cost of universal health insurance, unemployment, Medicare and workers' compensation charges assessed against the employees of the senate, prior appropriation continued	\$198,000
9516-0000	For administrative, secretarial and clerical assistance to the senators, prior appropriation continued	\$1,860,000
9516-0030	For a legislative intern and service program for the senate, prior appropriation continued	\$325,000
9517-0000	For the office of the senate committee on ways and means, prior appropriation continued	\$1,207,612
9518-0000	For the office supplies and other expenses of the senators, prior appropriation continued	\$1,015,000

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9519-5000	For the salaries of court officers and pages of the senate, prior appropriation continued	\$1,284,000
9519-6000	For the office of legislative post audit and oversight bureau of the senate, prior appropriation continued	\$355,000
9519-7000	For legislative committee services for the senate, prior appropriation continued	\$1,650,000
9519-7500	For the automation of senate offices, prior appropriation continued	\$225,000
9519-8000	For the expenses of televising sessions of the senate, prior appropriation continued	\$240,000

House of Representatives.

9621-0000	For the compensation of representatives; provided, that notwithstanding the provisions of any other general or special law to the contrary, the funds appropriated herein shall be expended only in accordance with the provisions of section 3 of chapter 192 of the acts of 1994, prior appropriation continued	\$7,875,600
9622-8000	For the expenses of representatives, including travel, prior appropriation continued	\$926,000
9623-0000	For the office of the clerk of the house of representatives, prior appropriation continued	\$582,496
9624-0000	For the salary of the chaplain of the house of representatives, prior appropriation continued	\$17,973
9625-0000	For the office of the house counsel, prior appropriation continued	\$1,055,791
9626-0000	For the office of the house committee on rules, prior appropriation continued	\$1,346,352
9626-0010	For repairs and renovations, prior appropriation continued	\$186,000
9627-0050	For the cost of universal health and unemployment insurance, Medicare and workers' compensation charges assessed against the employees of the house of representatives, prior appropriation continued	\$506,449
9627-0100	For a legislative intern and service program for the house of representatives, prior appropriation continued	\$400,000
9628-0000	For the office of the house committee on ways and means, prior appropriation continued	\$1,349,034
9628-0010	For certain renovations and improvements to the house	

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committee on ways and means, including the costs of data processing services, equipment and personnel, prior appropriation continued

- 9628-0020 For the performance oversight component of the house committee on ways and means, including the cost of travel as may be authorized and approved in writing by the chair of said house committee on ways and means, prior appropriation continued.
- 9629-0000 For clerical and other expenses of the members of the house of representatives, prior appropriation continued \$2,942,429
- 9630-0020 For administrative and legislative aides to the members of the house of representatives, prior appropriation continued \$4,310,175
- 9631-0021 For two administrative assistants to work within the county in which they reside under the direction of the elected representative from the Cape and Islands district; provided, that such assistants shall be residents of the districts; provided further, that each such assistant shall reside in separate counties and neither shall reside in the county in which the elected representative resides; and provided further, that such assistants shall be appointed by such elected representative, prior appropriation continued \$57,457
- 9632-0040 For office supplies and other expenses of the house of representatives, prior appropriation continued \$638,824
- 9633-0000 For the expenses of televising sessions of the house of representatives, prior appropriation continued \$559,207
- 9634-2000 For the expenses related to the house information systems, including maintenance of data and telecommunications equipment, prior appropriation continued \$154,349
- 9634-3000 For the salaries of court officers and pages of the house of representatives, prior appropriation continued \$786,945
- 9634-4000 For the expenses of the office of the house committee on personnel administration, prior appropriation continued \$34,452
- 9634-5000 For legislative committee services for the house of representatives, prior appropriation continued \$5,483,388
- 9634-6000 For the office of legislative post audit and oversight bureau of the house of representatives, prior appropriation continued. \$668,218
- 9636-0000 For the legislative service bureau, prior appropriation continued \$365,142

Sergeant-At-Arms.

9731-0000	For the office of the sergeant-at-arms, prior appropriation continued	\$374,390
9731-0050	For the cost of universal health and unemployment insurance, medicare and workers' compensation charges assessed against the employees of the joint legislative committees, prior appropriation continued	\$285,687
9734-1000	For the salaries of clerks employed in the legislative document room, including other joint legislative expenses, prior appropriation continued	\$226,650
9735-0000	For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, prior appropriation continued	\$180,100
9736-0000	For the rental, maintenance and updating of an electric roll call system, prior appropriation continued	\$22,532

Joint Legislative Expenses.

9738-0001	For the administration of the office of legislative data processing, prior appropriation continued	\$750,000
9739-0003	For the compilation, indexing, annotating, printing and other expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, including other joint legislative expenses, prior appropriation continued	\$167,167
9742-0000	For the administration of the legislative engrossing division, prior appropriation continued	\$248,199
9743-0000	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials and other expenses, prior appropriation continued. . . .	\$1,051,858
9744-1000	For joint legislative data processing and telecommunications equipment and services, prior appropriation continued.	
9746-0000	For the expenses of the joint committees on rules and for clerical and other assistance to the joint committees, prior appropriation continued	\$174,242

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- 9747-0010 For the expenses of joint standing and special committees authorized by joint order to sit and travel during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the president of the senate and the speaker of the house of representatives, prior appropriation continued \$38,054
- 9748-0000 For membership fees and programs of legislative associations for the general court of the commonwealth, with the approval of the president of the senate and the speaker of the house of representatives, prior appropriation continued; not less than \$30,000 of which shall be expended as the commonwealth's share of the export trade program administered by the Eastern Regional Conference of the Council of State Governments \$291,640
- 9749-0000 For the expenses of the special commission on financial services, established by section 111 of chapter 240 of the acts of 1989; provided, however, that this appropriation shall be fully funded by assessments on depository, non-depository and other financial institutions, prior appropriation continued.
- 9749-0100 For the expenses of the joint committee on redistricting, prior appropriation continued.
- 9749-0200 For the expenses of the study authorized by section 43 of chapter 142 of the acts of 1991; provided, that the expenditure of funds appropriated herein shall be contingent upon the prior receipt of private donations equal to or greater than said expenditure; provided further, that such donations shall be deposited into the General Fund, prior appropriation continued.
- 9750-0000 For the cost of a legislative study on special education, prior appropriation continued.

NO SECTION 2A.

SECTION 2B. Notwithstanding the provisions of any general or special law to the contrary, the agencies listed herein are hereby authorized to expend such amounts as are listed in this section for the provisions of services to agencies listed in section 2; provided, that all expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds from an account listed in section 2 to the Intragovernmental Service Fund, established pursuant to section 2Q of chapter 29 of the General Laws; provided further, that no expenditures shall be made from said Intragovernmental Service Fund which would cause

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said fund to be in deficit at the close of fiscal year 2000; provided further, that all authorizations in this section shall be charged to said Intragovernmental Service Fund; and provided further, that any balance remaining at the close of fiscal year 2000 shall be transferred to the general fund.

SECRETARY OF STATE.

Office of the Secretary of State.

- 0511-0003 For the costs of providing electronic and other publications purchased from the state bookstore, for commission fees, notary fees and for direct access to the secretary's computer library \$25,000
- 0511-0235 For the costs of obsolete records destruction incurred by the office of the secretary of state; provided, that state agencies, including the judicial branch may be charged for the destruction of their obsolete records by the records center where appropriate; provided further, that the secretary of state may expend revenues not to exceed \$100,000 from such funds received for the costs of such obsolete record destruction; and provided further, that such fees shall be charged on an equitable basis \$100,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of Dispute Resolution.

- 1100-1108 For the office of dispute resolution for the costs of mediation and other services provided to certain agencies \$300,000

Bureau of State Office Buildings.

- 1102-3333 For the operation and maintenance of state buildings, including reimbursement for overtime expenses, materials and contract services purchased in performing renovations and related services for agencies occupying state buildings or for services rendered to approved entities utilizing state facilities \$20,000

Reserves

- 1599-2040 For the payment of prior year deficiencies, so-called, based upon schedules provided to the house and senate committees on ways and means; provided, that the comptroller may charge departments' current fiscal year appropriations and transfer to such item amounts equivalent to the amounts to any prior year deficiency, so-called, subject to the conditions stated herein; provided further, that the

comptroller shall only assess chargebacks to those current fiscal year appropriations when the account to which the chargeback is applied is the same account to which the prior year deficiency pertains or, if there is no such account, to the current fiscal year appropriation for the general administration of the department that administered the account to which the prior year deficiency pertains; provided further, that no chargeback shall be made which would cause a deficiency in any current fiscal year item of appropriation; provided further, that the comptroller shall report with such schedule a detailed reason for the prior year deficiency on all chargebacks assessed that exceed \$1,000 including the amount of the chargeback, the item of appropriation and subsidiary charged; and provided further, that the comptroller shall report on a quarterly basis on all chargebacks assessed, including the amount of the chargeback, the item of appropriation and subsidiary charged, and the reason for the prior year deficiency. . . . \$5,000,000

1599-3100 For the cost of the commonwealth's employer contributions to the unemployment compensation fund and the Medical Security Trust Fund; provided, that the secretary of administration and finance shall authorize the collection, accounting and payment of such contributions; and provided further, that in executing these responsibilities the state comptroller is authorized to charge in addition to individual appropriation accounts certain non-appropriated funds in amounts that are computed on the same basis as the commonwealth's contributions are determined, including expenses, interest expense, or related charges . \$10,306,244

1599-3102 For the cost of the commonwealth's employer contributions for unemployment health insurance; provided, that the secretary of administration and finance shall authorize the collection, accounting, and payment of such contributions; and provided further, that in executing these responsibilities the comptroller may charge, in addition to individual appropriation accounts, certain non-appropriated funds amounts that are computed on the same basis as the commonwealth's contributions are determined, including expenses, interest expense, or related charges \$2,000,000

Division of Human Resources

- 1750-0101 For the cost of goods and services rendered in administering training programs, including the cost of training unit staff; provided, that the division of human resources may collect a \$75 administrative fee from vendors who submit proposals in response to requests for proposals for the commonwealth of Massachusetts master service agreement for specialized training and consultation services at the time of proposal submission; provided further, that any vendor who fails to deliver the appropriate administrative fee with its submission shall be deemed non-responsive and its proposal shall not be considered for contract award; provided further, that the division shall charge to other items of appropriation for the cost of participants enrolled in programs sponsored by the division, or to state agencies employing such participants; and provided further, that the division may collect from participating state agencies a fee sufficient to cover administrative costs of the commonwealth's performance recognition programs and to expend such fees for goods and services rendered in the administration of these programs \$1,172,085
- 1750-0105 For the cost of workers' compensation paid to public employees; provided, that the secretary of administration and finance shall charge, pursuant to section 243, other items of appropriation or state agencies for cost incurred on behalf of said agencies; provided further, that said secretary may transfer workers' compensation-related fringe benefit assessments from federal grants and trust accounts to this item; provided further, that said secretary shall identify charges by said item of appropriation; provided further, that not more than \$750,000 shall be used for the compensation of employees; provided further, that said secretary shall file quarterly reports with the house and senate committees on ways and means detailing said items, including federal grants and trust accounts, that have not yet paid their charges, and the reasons why, within three weeks of the close of each quarter; provided further, that no funds shall be expended from this item that would cause said item to be deficient; and provided further, that said secretary shall provide projected costs of workers'

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	compensation costs incurred by agencies in fiscal year 2001 to the house and senate committees on ways and means by February 27, 2000	\$45,993,573
1750-0106	For the workers' compensation litigation unit, including the costs of personnel	\$520,634
1750-0110	For the payment of fees by user agencies to arbitrators selected by the commonwealth to hear and decide final and binding arbitration cases for grievances filed pursuant to the provisions of chapter 150E of the General Laws	\$10,000
<i>Division of Operational Services.</i>		
1775-0800	For the purchase, operation and repair of certain vehicles and for the cost of operating and maintaining all vehicles that are leased by other agencies, including the costs of personnel	\$7,600,000
1775-0901	For the development of a cost savings plan to facilitate the purchase of electricity and natural gas by the commonwealth and its political subdivisions consistent with the municipal aggregation and volume purchasing provisions of chapter 164 of the acts of 1997; provided, however, that the plan shall include, but not be limited to, the identification of the public entities projected to benefit from the program, a detailed description of the uniform procurement procedures and options available to such entities to achieve such savings, a description of the efforts of other states to generate costs savings from utility deregulation, the projected amount of savings from the program, a detailed time frame for the development and implementation of the program, a spending plan detailed by subsidiary and object code necessary to implement the program and any recommendations, including legislation necessary to effectuate the orderly implementation of the program; and provided, further, that the division shall file said plan with the house and senate committees on ways and means not later than February 1, 2000	\$400,000
1775-1000	For the provision of printing, photocopying, and related graphic art or design work, including all necessary incidental expenses and liabilities; provided, that the commissioner of administration shall charge to other items of appropriation within the agencies of the executive	

branch for such services, including the costs of personnel. . . . \$1,600,843

Division of Information Technology.

1790-0200 For the cost of computer resources and services provided by the information technology division in accordance with the policies, procedures and rates approved by the secretary for administration and finance pursuant to section 228, including the purchase, lease or rental of telecommunications lines, services and equipment, that are centrally billed to the commonwealth; provided, that said secretary shall charge other items of appropriation for the cost of said resources and services; provided further, that notwithstanding the provisions of any general or special law to the contrary, charges for the cost of computer resources and services provided by the bureau of computer services for the design, development, and production of reports and information required for the analysis and development of appropriations bills shall not be charged to any item of appropriation of the house of representatives, the senate or any joint legislative account in fiscal year 2000; provided further, that the bureau shall submit quarterly reports to the house and senate committees on ways and means summarizing each agency's charges and payments for the preceding quarter for this item; and provided further, that the secretary for administration and finance is authorized to establish regulations, procedures and a schedule of fees to further implement this section including, but not limited to, the development and distribution of forms and instructions, including the costs of personnel \$16,109,322

1790-0400 For the purchase, delivery, handling of, and contracting for, supplies, postage, and related equipment and other incidental expenses provided pursuant to the provisions of section 51 of chapter 30 of the General Laws \$2,020,987

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2001-1002 For the costs of data processing and related computer and mapping services, the distribution of digital cartographic and other data, the review of environmental notification forms pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws and for the staff and printing of the

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MEPA Monitor\$350,000

Department of Fisheries, Wildlife and Environmental Law Enforcement.

2350-0102 For the costs of overtime and special details provided by the department of fisheries, wildlife and environmental law enforcement's division of law enforcement\$160,000

Metropolitan District Commission.

2410-1002 For the costs of operating the commission's telecommunications system; provided, that nothing in this section shall diminish or impair the rights of access or utilization of all current users of the system pursuant to agreements which have been entered into with the commission\$100,000

2410-1003 For the costs of the purchase of fuel, oil and other associated products for other state agencies\$400,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0122 For the costs of interpreter services provided by commission staff; provided, that the costs of personnel may be charged to this item; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system\$185,000

Department of Public Health.

4590-0901 For the costs of medical services provided at public health hospitals pursuant to a schedule of services and fees approved by the commissioner of public health, which may be expended for the purposes of hospital related costs, including capital expenditures and motor vehicle replacement\$150,000

4590-0903 For the expenses of medical services provided at the Lemuel Shattuck hospital to inmates of county correctional facilities; provided, that the expenses so incurred shall be charged to items 8910-0010, 8910-0102, 8910-0105, 8910-0107, 8910-0110, 8910-0619 and 8910-0108 of section 2 pursuant to the provisions contained therein; provided further, that not more than \$1,900,000 in expenses shall be

so incurred; provided further, that the fiscal year 2000 state appropriation for any county entering into a contract for managed care for inmates shall remain liable within said fiscal year for the cost of services rendered at the Lemuel Shattuck hospital; provided further, that the department may expend the amounts transferred to this item for purposes of hospital-related costs, including capital expenditures and motor vehicle replacement, without further appropriation; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$1,900,000

Department of Mental Retardation.

5948-0012 For residential support services provided by the department for the purposes of supplementing educational services provided in item 7061-0012 of section 2 \$7,100,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Massachusetts Aeronautics Commission.

6006-0010 For the cost of air transportation services, including the costs of personnel \$20,000

Department of Highways.

6030-7501 For the cost of the purchase of bulk fuel for certain vehicles under the authority of the department of procurement and general services and the cost of purchased fuel for other agencies and for certain administrative expenses related to purchasing and distributing the fuel \$300,000

OFFICE OF LABOR, EDUCATION AND WORKFORCE DEVELOPMENT.

Department of Education.

7053-2101 For the costs of USDA commodity foods pursuant to federal law requirements \$100,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

State Police.

8100-0002 For the costs of overtime associated with requested police detail; provided, that for the purpose of accommodating

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discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system. . . . \$2,000,000

Military Division.

8700-1145 For the costs of utilities and maintenance and for the implementation of energy conservation measures with regard to the state armories \$500,000

Department of Correction.

8900-0021 For the cost of products produced by the prison industries and farm program and for the cost of services provided by inmates, including the costs of moving, auto repair, culinary and renovation and construction services; provided, that the costs for such renovation and construction services shall not exceed the amount established by the department of procurement and general services; and provided further, that such revenues may also be expended for materials, supplies, equipment, maintenance of facilities and compensation of employees and for the inmate employment and training program \$6,550,000

**NO SECTION 2C.
SECTION 2D.**

Supreme Judicial Court.

0320-1700 For the purposes of a federally funded grant entitled, State Court Improvement Program \$203,038

DISTRICT ATTORNEYS.

Northern District Attorney.

0340-0237 For the purposes of a federally funded grant entitled, Children's Advocacy Center National Network \$18,400

OFFICE OF THE SECRETARY OF STATE

0526-0105 For the purposes of a federally funded grant entitled, Massachusetts Statewide Historical Survey and Plan \$10,000
0526-0114 For the purposes of a federally funded grant entitled, Historic Preservation Survey and Planning \$600,000
0526-0115 For the purposes of a federally funded grant entitled,

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	Massachusetts Historical Commission & Federal Preservation Grants	\$400,000
0526-0120	For the purposes of a federally funded grant entitled, National Maritime Heritage Program	\$75,612
0526-9716	For the purposes of a federally funded grant entitled, Archeological Research Geographic Information System	\$262,470
0526-9717	For the purposes of a federally funded grant entitled, Tugboat Luna Preservation	\$675,000

Massachusetts Cultural Council.

0640-9717	For the purposes of a federally funded grant entitled, Basic State Plan	\$408,500
0640-9718	For the purposes of a federally funded grant entitled, Arts in Education	\$63,200
0640-9724	For the purposes of a federally funded grant entitled, Arts in Underserved Communities	\$43,700

ATTORNEY GENERAL.

0810-6658	For the purposes of a federally funded grant entitled, Weed and Seed	\$175,000
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Victim Witness Assistance Board.

0840-0110	For the purposes of a federally funded grant entitled, Crime Victim Assistance	\$5,256,180
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Administering Agency for Developmental Disabilities.

1100-1703	For the purposes of a federally funded grant entitled, Implementation of the Federal Developmental Disabilities Act; provided, that in order to qualify for said grant, this item shall be exempt from the first \$102,562 of fringe benefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws	\$1,530,348
1100-1710	For the purposes of a federally funded grant entitled, Massachusetts Developmental Disabilities Council Service grant; provided, that in order to qualify for said grant, this item shall be exempt from the first \$97,130 of fringebenefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws	\$400,000

Office on Disability.

1107-2450	For the purposes of a federally funded grant entitled, Client	
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Assistance Program\$207,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

2000-0141	For the purposes of a federally funded grant entitled, Coastal Zone Management Development	\$2,300,000
2000-0148	For the purposes of a federally funded grant entitled, National Estuary Program - Operation	\$400,000
2000-0154	For the purposes of a federally funded grant entitled, Wetlands Ecological Assessment	\$48,000
2000-0161	For the purposes of a federally funded grant entitled, Thermotrex Corporation High Temperature Materials Application.	\$403,507
2000-0162	For the purposes of a federally funded grant entitled, Pollution Prevention by Auto Body Shops	\$40,126
2000-0163	For the purposes of a federally funded grant entitled, Pollution Prevention Outreach for Dry Cleaners and Auto Body Shops	\$19,503
2000-0165	For the purposes of a federally funded grant entitled, Pollution Prevention Training for Schools and Hospitals	\$61,139
2000-0166	For the purposes of a federally funded grant entitled, Pollution Prevention Training for DPW's Municipal Officials on Hazardous Waste	\$4,936
2000-0167	For the purposes of a federally funded grant entitled, Chemical Emergency Preparedness Tag	\$43,000
2000-0168	For the purposes of a federally funded grant entitled, Northeast Regional Pollution Prevention Information Center	\$91,482
2000-9516	For the purposes of a federally funded grant entitled, Joppa Flats Salt Marsh Restoration	\$45,247
2000-9517	For the purposes of a federally funded grant entitled, Pollution Prevention Information Network	\$41,597
2000-9519	For the purposes of a federally funded grant entitled, Pollution Prevention Technologies	\$44,000
2000-9736	For the purposes of a federally funded grant entitled, Buzzards Bay Project Management Plan	\$532,423
2000-9760	For the purposes of a federally funded grant entitled, Inventory of Navy Shipwrecks in Massachusetts Waters	\$3,884
2030-9701	For the purposes of a federally funded grant entitled, Outdoor Recreation Projects	\$699,186

Chap. 127*Department of Environmental Management.*

2100-9725	For the purposes of a federally funded grant entitled, National Dam Safety, CFDA #83.550	\$70,000
2120-9702	For the purposes of a federally funded grant entitled, USDA Forest Service, Rural Community Fire Protection	\$16,289
2121-9705	For the purposes of a federally funded grant entitled, USFS Shade Tree and Health	\$382,288
2121-9706	For the purposes of a federally funded grant entitled, Urban Resource Partnership- United States Forest Service	\$225,000
2121-9709	For the purposes of a federally funded grant entitled, Forestry Planning	\$130,000
2121-9711	For the purposes of a federally funded grant entitled, USFS Rural Fire Prevention	\$87,000
2121-9712	For the purposes of a federally funded grant entitled, Forest Health Research	\$22,000
2121-9714	For the purposes of a federally funded grant entitled, Research Conservation and Development- United States Forest Service	\$5,045
2121-9718	For the purposes of a federally funded grant entitled, Forestry Incentives Program- United States Forest Service	\$3,618
2121-9720	For the purposes of a federally funded grant entitled, Rural Development Project- United States Forest Service	\$26,124
2121-9722	For the purposes of a federally funded grant entitled, USFS Forest Resource Management	\$40,000
2121-9726	For the purposes of a federally funded grant entitled, USFS Forest Health Management	\$57,070
2121-9728	For the purposes of a federally funded grant entitled, USFS Forest Health Monitoring	\$30,880
2121-9730	For the purposes of a federally funded grant entitled, USFS North American Maple Project	\$7,471
2121-9736	For the purposes of a federally funded grant entitled, Urban Resource Partnership- Natural Resources Conservation Service	\$288,000
2130-9705	For the purposes of a federally funded grant entitled, SUASCO Consolidated Funding	\$38,510
2140-9709	For the purposes of a federally funded grant entitled, WBNERR Operation and Management	\$253,000

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2140-9710 For the purposes of a federally funded grant entitled,
 WBNERR exhibits and renovations \$150,000

Department of Environmental Protection.

2200-9706 For the purposes of a federally funded grant entitled, Water
 Quality Management Planning \$602,361

2200-9712 For the purposes of a federally funded grant entitled,
 Cooperative Agreement-Leaking Underground Storage
 Tank Program \$1,112,564

2200-9717 For the purposes of a federally funded grant entitled, D.O.D.
 Environment Restoration Program \$1,928,112

2200-9721 For the purposes of a federally funded grant entitled, Charles
 George Landfill - Operable Unit III Operations and
 Maintenance \$11,698

2200-9722 For the purposes of a federally funded grant entitled, Baird
 and McGuire \$2,100,000

2200-9724 For the purposes of a federally funded grant entitled,
 Superfund Block Fund Cooperative Agreement \$1,200,000

2200-9726 For the purposes of a federally funded grant entitled, Non-
 Point Source Pollution \$241,506

2200-9727 For the purposes of a federally funded grant entitled,
 Brownfields Assessment Demonstration Pilot Cooperative
 Agreement- Microfab \$100,000

2230-9702 For the purposes of a federally funded grant entitled,
 Performance Partnership Grant \$10,784,774

2230-9703 For the purposes of a federally funded grant entitled, Facilities
 One-Stop Reporting Discretionary Grant \$118,500

2240-9710 For the purposes of a federally funded grant entitled,
 Construction Grants Program - Administration \$356,982

2240-9740 For the purposes of a federally funded grant, entitled NPDES
 Related State Program (104b-3) 94 Funds \$23,045

2240-9743 For the purposes of a federally funded grant entitled,
 Wetlands Delineation Methods \$15,577

2240-9746 For the purposes of a federally funded grant entitled, BVW
 Delineation Training Video (104b-3) \$14,130

2240-9747 For the purposes of a federally funded grant entitled, Small
 Docks and Piers Guidance (104b-3) \$23,750

2240-9751 For the purposes of a federally funded grant entitled, State

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	Underground Water Source Protection	\$14,114
2240-9752	For the purposes of a federally funded grant entitled, Clean Water Section 104 (G)	\$6,532
2240-9753	For the purposes of a federally funded grant entitled, Source Water/Groundwater Protection Program	\$14,000
2240-9754	For the purposes of a federally funded grant entitled, Additional Assistance - TMDL Development - Clean Water Act	\$30,570
2250-9711	For the purposes of a federally funded grant entitled, Pay As You Throw Outreach	\$5,000
2250-9712	For the purposes of a federally funded grant entitled, Clean Air Act	\$564,200
2250-9713	For the purposes of a federally funded grant entitled, Electronics Recycling Project Grant	\$25,000
<i>Department of Fisheries, Wildlife and Environmental Law Enforcement.</i>		
2300-0103	For the purposes of a federally funded grant entitled, EPA Urban Rivers Action	\$22,849
2300-9885	For the purposes of a federally funded grant entitled, Planning Assistance for Sudbury, Assabet and Concord Rivers	\$2,807
2315-9707	For the purposes of a federally funded grant entitled, Coastal Ponds and Peat lands Projects	\$24,994
2315-9709	For the purposes of a federally funded grant entitled, Reptiles and Amphibian Habitat Protection	\$60,675
2330-9222	For the purposes of a federally funded grant entitled, Clean Vessel Act	\$862,284
2330-9709	For the purposes of a federally funded grant entitled, Commercial Fisheries Research and Development	\$30,734
2330-9712	For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics	\$314,367
2330-9714	For the purposes of a federally funded grant entitled, Commercial Fisheries Extension	\$7,400
2330-9721	For the purposes of a federally funded grant entitled, Anadromous Fisheries Management	\$1,500
2340-9701	For the purposes of a federally funded grant entitled, Safe Boating Program	\$893,382

Chap. 127*Metropolitan District Commission.*

- 2440-9756 For the purposes of a federally funded grant entitled, Boston Harbor Beaches Water Quality \$38,790
- 2440-9771 For the purposes of a federally funded grant entitled, Lower Neponset River Estuary Restoration \$425,000

Department of Food and Agriculture.

- 2511-0310 For the purposes of a federally funded grant entitled, Pesticide Enforcement \$173,100
- 2511-0320 For the purposes of a federally funded grant entitled, Certification of Pesticide Applicators \$119,800
- 2511-0971 For the purposes of a federally funded grant entitled, Soil Survey Digitizing \$970
- 2511-0972 For the purposes of a federally funded grant entitled, Farmland Protection \$1,400,000
- 2516-9002 For the purposes of a federally funded grant entitled, Development of Institutional Marketing \$73,200
- 2516-9003 For the purposes of a federally funded grant entitled, Farmers Market Coupon Program \$557,000
- 2516-9009 For the purposes of a federally funded grant entitled, Boston Public Food Market Facility and Business Development \$15,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.*Division of Medical Assistance.*

- 4000-0314 For the purposes of a federally funded grant entitled, Welfare Reform; provided, that only federal funds received from the allocation established by the Personal Responsibility and Work Opportunity Reconciliation Act may be credited to this item \$1,200,000

Massachusetts Commission for the Blind.

- 4110-3020 For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that any reimbursement received for successful vocational rehabilitation closures under the federal Social Security Act's Vocational Rehabilitation Program may be used by the commission for the blind to provide for essential client programming, including but not limited to pre-vocational and supported employment services \$1,000,000

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4110-3021	For the purposes of a federally funded grant entitled, Basic Support Grant - Section 110	\$7,187,854
4110-3023	For the purposes of a federally funded grant entitled, Independent Living - Part B	\$78,000
4110-3026	For the purposes of a federally funded grant entitled, Independent Living - Part C	\$225,000
4110-3027	For the purposes of a federally funded grant entitled, Rehabilitation Training	\$21,280
4110-3028	For the purposes of a federally funded grant entitled, Supported Employment	\$153,492

Massachusetts Rehabilitation Commission.

4120-0020	For the purposes of a federally funded grant entitled, Vocational Rehabilitation	\$39,500,000
4120-0173	For the purposes of a federally funded grant entitled, New England Psychiatric Rehab Training	\$200,000
4120-0174	For the purposes of a federally funded grant entitled, New England Psychiatric Rehab Training - Research	\$120,000
4120-0187	For the purposes of a federally funded grant entitled, Supported Employment Program	\$990,000
4120-0511	For the purposes of a federally funded grant entitled, Disability Determination Services	\$33,000,000
4120-0760	For the purposes of a federally funded grant entitled, Independent Living	\$1,650,000

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0103	For the purposes of a federally funded grant entitled, Massachusetts Assistive Technology Partnership	\$405,981
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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

4000-0705	For the purposes of a federally funded grant entitled, Emergency Shelter Grants Program	\$2,221,000
4000-0707	For the purposes of a federally funded grant entitled, Supportive Housing	\$2,859,251
4000-0708	For the purposes of a federally funded grant entitled, Head Start Demonstration	\$258,349
4000-0709	For the purposes of a federally funded grant entitled, Continuum of Care	\$1,988,425

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4000-0713	For the purposes of a federally funded grant entitled, Youth Development State Collaboration	\$120,000
4000-9401	For the purposes of a federally funded grant entitled, Community Mental Health Services	\$7,548,019
4000-9402	For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant. . .	\$32,547,715
4000-9404	For the purposes of a federally funded grant entitled, the Shelter Plus Care Grant	\$1,073,160
4003-0804	For the purposes of a federally funded grant entitled, Refugee Targeted Assistance Grant	\$1,818,886
4003-0805	For the purposes of a federally funded grant entitled, Refugee Resettlement Program and Social Services	\$2,252,476
4003-0806	For the purposes of a federally funded grant entitled, Refugee Cash Assistance, Medical Assistance and Administration. . .	\$8,508,958
4003-0807	For the purposes of a federally funded grant entitled, State Legalization Impact Assistance Grant	\$1,298,659

Office of Child Care Services.

4130-2000	For the purposes of a federally funded grant entitled, Project Child Care 2000	\$142,539
4130-9002	For the purposes of a federally funded grant entitled, Child Abuse Prevention Activities	\$524,329

Department of Transitional Assistance

4400-3065	For the purpose of a federally funded grant entitled, TANF Closed Cases Tracking	\$170,794
4400-3067	For the purpose of a federally fund grant entitled, Food Stamp Employment and Training	\$1,137,908
4400-3069	For the purpose of a federally fund grant entitled, Food Stamp Cash-Out	\$400,000

Department of Public Health.

4500-1000	For the purposes of a federally funded grant entitled, Preventive Health Services Block Grant; provided, that not less than \$450,000 shall be obligated to the emergency medical services regions; and provided further, that not less than \$585,000 be obligated for rape prevention and victim services	\$5,803,813
4500-2000	For the purposes of a federally funded grant entitled, Maternal	

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and Child Health Services Block Grant; provided that the department shall review and assess the process by which it allocates resources under the appropriation; provided further that the said process shall involve the use of a needs assessment that clearly considers the magnitude, severity, and degree of risk for identified health problems within individual communities; and provided further, that a specific focus will be taken to support programs serving communities and neighborhoods with high poverty rates . . . \$13,730,366

4502-1012	For the purposes of a federally funded grant entitled, Cooperative Health Statistics System	\$439,700
4510-0109	For the purposes of a federally funded grant entitled, State Loan Repayment Project	\$183,705
4510-0113	For the purposes of a federally funded grant entitled, Massachusetts Office of Rural Health	\$52,000
4510-0118	For the purposes of a federally funded grant entitled, Primary Care Cooperative Agreement	\$103,247
4510-0400	For the purposes of a federally funded grant entitled, Medicare and Medicaid Survey and Certification	\$5,940,698
4510-0401	For the purposes of a federally funded grant entitled, Operation Restore Trust	\$147,300
4510-0402	For the purposes of a federally funded grant entitled, Outcome Assessment Information Set	\$37,623
4510-0500	For the purposes of a federally funded grant entitled, Clinical Laboratory Improvement Amendments	\$468,265
4510-0619	For the purposes of a federally funded grant entitled, FDA Inspection of Food Establishments ⁸⁵	\$93,400
4510-0636	For the purposes of a federally funded grant entitled, Childhood Lead Paint Poisoning Prevention	\$1,171,295
4510-9014	For the purposes of a federally funded grant entitled, Mammography Quality Standards Act Inspections	\$235,692
4510-9019	For the purposes of a federally funded grant entitled, Environmental Monitoring Program	\$50,000
4510-9040	For the purposes of a federally funded grant entitled, Diabetes Control Program	\$750,000
4510-9043	For the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Impact Health Assessments	\$666,909

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4510-9048	For the purposes of a federally funded grant entitled, Indoor Radon Development Program	\$147,495
4512-0102	For the purposes of a federally funded grant entitled, Sexually Transmitted Disease Control	\$927,227
4512-0179	For the purposes of a federally funded grant entitled, Vaccination Assistance Project	\$4,748,404
4512-0180	For the purposes of a federally funded grant entitled, Vaccination Assistance Project	\$319,336
4512-9030	For the purposes of a federally funded grant entitled, Treatment Outcome Study	\$365,636
4512-9040	For the purposes of a federally funded grant entitled, MA Collaborative For Action	\$3,000,000
4512-9426	For the purposes of a federally funded grant entitled, Uniform Alcohol and Drug Abuse Data Collection	\$137,722
4512-9429	For the purpose of a federally funded grant entitled, HIV/STD/TB Risk Reduction	\$379,071
4513-0110	For the purpose of a federally funded grant entitled, Supportive Housing	\$670,000
4513-0111	For the purpose of a federally funded grant entitled, Housing Opportunities-People with AIDS	\$758,621
4513-9007	For the purposes of a federally funded grant entitled, Nutritional Status of Women, Infants and Children (WIC); provided, that the department shall report quarterly to the secretary of administration and finance, the joint committee on federal financial assistance, and the house and senate committees on ways and means on all expenditures from this item and the state nutrition program for women, infants and children, including the numbers of participants in each program	\$57,300,724
4513-9018	For the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education/Risk Reduction Program	\$8,016,741
4513-9021	For the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps	\$8,818,112
4513-9022	For the purposes of a federally funded grant entitled, Prevention Disability State Based Project	\$350,000
4513-9027	For the purposes of a federally funded grant entitled,	

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	Massachusetts Care - Community AIDS Resource Enhancement	\$683,889
4513-9030	For the purposes of a federally funded grant entitled, Planning a Comprehensive Primary Care System for All Massachusetts Children and Youth	\$40,000
4513-9031	For the purposes of a federally funded grant entitled, EMS for children	\$150,000
4513-9035	For the purposes of a federally funded grant entitled, AIDS Surveillance	\$818,207
4513-9037	For the purposes of a federally funded grant entitled, Ryan White Comprehensive AIDS Resources	\$7,916,831
4513-9038	For the purposes of a federally funded grant entitled, Shelter Plus Care - Worcester	\$159,000
4513-9045	For the purposes of a federally funded grant entitled, MA Women's HIV Advocacy Project	\$75,000
4513-9046	For the purposes of a federally funded grant entitled, Congenital Anomalies Center for excellence	\$964,019
4513-9047	For the purposes of a federally funded grant entitled, Firstlink Community Organization Project	\$55,000
4513-9048	For the purposes of a federally funded grant entitled, Mass. Initiative for the Youth with Disabilities	\$189,395
4513-9049	For the purposes of a federally funded grant entitled, Firstlink Data Utilization Enhancement	\$50,000
4513-9050	For the purposes of a federally funded grant entitled, MAXCARE: Maximizing Children's Health and Safety in Child Care	\$50,000
4513-9051	For the purposes of a federally funded grant entitled, Rural Domestic Violence and Children Victimization Project	\$244,632
4513-9055	For the purposes of a federally funded grant entitled, Disabled Adults With Secondary Conditions	\$103,008
4513-9056	For the purposes of a federally funded grant entitled, Pregnancy/Pediatric Nutrition Surveillance	\$42,227
4513-9057	For the purposes of a federally funded grant entitled, Surveillance of Hemophilia Complications	\$129,528
4513-9058	For the purposes of a federally funded grant entitled, Women Abuse Tracking Clinics and Hospitals	\$274,375
4513-9059	For the purposes of a federally funded grant entitled,	

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	Congenital Anomalies Surveillance System	\$7,500
4513-9060	For the purposes of a federally funded grant entitled, Residential Fire Injury Prevention Mass Injury Intervention and Surveillance	\$182,080
4513-9061	For the purposes of a federally funded grant entitled, Abstinence Education Project	\$739,012
4515-0113	For the purposes of a federally funded grant entitled, Health Program for Refugees	\$167,008
4515-0115	For the purposes of a federally funded grant entitled, Tuberculosis Control Project	\$2,837,921
4515-0200	For the purposes of a federally funded grant entitled, STD/HIV Prevention Training Centers ⁸⁵	\$355,660
4515-0201	For the purposes of a federally funded grant entitled, STD Prevention/Managed Care Settings	\$165,346
4516-1015	For the purposes of a federally funded grant entitled, Training Network Grant	\$10,000
4516-1018	For the purposes of a federally funded grant entitled, Lyme disease Research and Education	\$169,032
4518-0136	For the purposes of a federally funded grant entitled, State Injury Intervention and Surveillance	\$258,517
4518-0500	For the purposes of a federally funded grant entitled, National Program of Cancer Registries	\$723,529
4518-0510	For the purposes of a federally funded grant entitled, Behavioral Risk Factor Surveillance	\$90,313
4518-0515	For the purposes of a federally funded grant entitled, Youth Worker Health and Safety Enhancement	\$167,285
4518-0530	For the purposes of a federally funded grant entitled, State As- sessment Initiatives Support by Cooperative Agreements	\$219,024
4518-1000	For the purposes of a federally funded grant entitled, Procure- ment of Information for the National Death Index (NDI)	\$29,176
4518-1002	For the purposes of a federally funded grant entitled, Social Security Administration - Massachusetts Death File	\$137,650
4518-1003	For the purposes of a federally funded grant entitled, Massa- chusetts Birth Records for Social Security Administration.	\$183,303
4518-9022	For the purposes of a federally funded grant entitled, Sentinel Event Notification System for Occupational Risks	\$242,756

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4518-9023	For the purposes of a federally funded grant entitled, Census of Fatal Occupational Injuries	\$32,000
4518-9025	For the purposes of a federally funded grant entitled, Fatality Surveillance and Field Investigations at the State Level	\$125,466
4570-1503	For the purposes of a federal grant entitled, Comprehensive Breast and Cervical Early Detection Program	\$4,270,605
4570-1506	For the purposes of a federal grant entitled, Newcomer National Comprehensive Cancer Control	\$326,204
4570-1600	For the purposes of a federal grant entitled, Newcomer Women's Health Planning	\$4,000
4590-0302	For the purposes of a federal grant entitled, American Stop Smoking Intervention	\$2,195,436
4590-0303	For the purposes of a federal grant entitled, Tobacco Sales Retail Compliance	\$333,815

Department of Social Services.

4800-0005	For the purposes of a federally funded grant entitled, Children's Justice Act	\$184,904
4800-0007	For the purposes of a federally funded grant entitled, The Family Violence Prevention and Support Services Act	\$1,299,190
4800-0009	For the purposes of a federally funded grant entitled, Title IV-E Independent Living	\$635,852
4800-0013	For the purposes of a federally funded grant entitled, Family Preservation and Support Services	\$3,978,886
4899-0001	For the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services	\$4,683,476
4899-0022	For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment	\$443,683

Department of Mental Health.

5012-9121	For the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness	\$623,000
5046-9102	For the purposes of a federally funded grant entitled, Shelter Plus Care	\$220,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

6000-0018	For the purposes of a federally funded grant entitled, Rural Public Transportation Assistance	\$2,482,783
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6000-0019	For the purpose of a federally funded grant entitled, Section 5307 Transportation Demand Management	\$1,440,000
6000-0023	For the purposes of a federally funded grant entitled, Rural Public Transportation Planning Grant	\$1,503,498
6000-0024	For the purposes of a federally funded grant entitled, Disadvantaged Business Enterprise Disparity Study	\$150,000
6000-0049	For the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation Capital Grant	\$1,615,932
6000-0054	For the purposes of a federally funded grant entitled, Rail Planning Assistance	\$560,000

Massachusetts Aeronautics Commission.

6006-0042	For the purposes of a federally funded grant entitled, Airport System Planning	\$400,000
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BOARD OF LIBRARY COMMISSIONERS.

7000-9700	For the purposes of a federally funded grant entitled, Federal Reserve - Title I	\$149,183
7000-9702	For the purposes of a federally funded grant entitled, Library Service Technology Act	\$2,970,732
7000-9707	For the purposes of a federally funded grant entitled, Title II LSCA Emergency Federal Jobs Bill	\$139,843

Department of Labor and Workforce Development.

7002-4203	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistics Program	\$105,588
7002-4204	For the purposes of a federally funded grant entitled, Adult Blood Lead Levels Surveillance	\$20,653
7002-4212	For the purposes of a federally funded grant entitled, Asbestos Licensing and Monitoring	\$84,645
7002-4213	For the purposes of a federally funded grant entitled, Lead Licensing and Monitoring	\$381,435
7002-4215	For the purposes of a federally funded grant entitled, Occupational Illness and Injury	\$60,507
7002-6627	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Onsite Consultation Program	\$1,135,084
7002-6628	For the purposes of a federally funded grant entitled, Federal	

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	Disabled Veterans Outreach	\$2,051,161
7002-6629	For the purposes of a federally funded grant entitled, Local Veterans Employment Representative Program	\$1,685,117
7002-6630	For the purposes of a federally funded grant entitled, Massachusetts Occupational Information Coordinating Committee	\$128,397
7003-1010	For the purposes of a federally funded grant entitled, Trade Expansion Act Program	\$4,000,000
7003-1621	For the purposes of federally funded grant entitled, Job Training Act Title II	\$28,346,071
7003-1623	For the purpose of a federally Funded Grants entitled Job Training Partnership III	\$13,467,578
7003-1624	For the purpose of a federally funded grant entitled, Title V Veterans	\$812,000
7003-1627	For the purpose of federally funded grant entitled Welfare to Work	\$28,592,295
7003-2013	For the purposes of a federally funded grant entitled, Mine Safety and Health Training	\$27,982
7003-9006	For the purposes of a federally funded grant entitled, One-Stop Career Centers; provided, that on or before December 1, 1999, the joint committee on commerce and labor and the house and senate committees on ways and means shall be provided with a detailed accounting of the amounts previously received pursuant to said grant and the specific purposes for which and by whom such monies have been used	\$1,517,711

Division of Employment and Training.

7002-6624	For the purposes of a federally funded grant entitled, Unemployment Insurance Programs Administration	\$68,146,532
7002-6626	For the purposes of a federally funded grant entitled, Employment Service Programs Administration	\$20,965,465

Division of Labor Market Information.

7002-9701	For the purposes of a federally funded grant entitled, Bureau of Labor Statistic Administration	\$1,832,631
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Department of Housing and Community Development.

7004-0301	For the purposes of a federally funded grant entitled, Lead Paint Abatement	\$500,000
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7004-2030	For the purposes of a federally funded grant entitled, Weatherization Assistance for Low Income Persons; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$4,500,000
7004-2033	For the purposes of a federally funded grant entitled, Low Income Home Energy Assistance Program; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development shall provide monthly payments in advance to participating agencies	\$62,265,844
7004-2034	For the purposes of a federally funded grant entitled, Community Services Block Grant; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$13,172,309
7004-3037	For the purposes of a federally funded grant entitled, Small Cities Community Development Block Grant Program; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$64,029,849
7004-9009	For the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies	\$5,099,724
7004-9011	For the purposes of a federally funded grant entitled, Supportive Housing Demonstration Program	\$385,716
7004-9013	For the purposes of a federally funded grant entitled, Section 8 Existing Housing Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies	\$32,834,736
7004-9014	For the purposes of a federally funded grant entitled, Section 8 Federal Housing Voucher Program; provided, that the department of housing and community development may provide monthly payments in advance to participating	

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	agencies	\$69,805,975
7004-9019	For the purposes of a federally funded grant entitled, Section 8 Moderate Rehabilitation; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies	\$12,850,000
7004-9020	For the purposes of a federally funded grant entitled, Section 8 New Construction Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies	\$3,887,178
7004-9028	For the purposes of a federally funded grant entitled, HOME; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$18,277,112
7004-9051	For the purposes of a federally funded grant entitled, Shelter Plus Care-Lowell; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$1,197,200
7004-9052	For the purposes of a federally funded grant entitled, Shelter Plus Care-Boston; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$526,003
7004-9053	For the purposes of a federally funded grant entitled, Shelter Plus Care-Southbridge; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$330,000
7004-9054	For the purposes of a federally funded grant entitled, Shelter Plus Care-New Bedford; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$110,897
<i>Division of Energy Resources.</i>		
7006-9720	For the purposes of a federally funded grant entitled, State Heating Oil and Propane Program	\$22,168

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7006-9743	For the purposes of a federally funded grant entitled, State Energy Plan	\$836,912
7006-9755	For the purposes of a federally funded grant entitled, String Ribbon Photovoltaic	\$60,000
7006-9757	For the purposes of a federally funded grant entitled, Northeast Regional Biomass Program	\$30,000

Department of Economic Development.

7007-0002	For the purposes of a federally funded grant entitled, Massachusetts Fisheries Initiative	\$810,625
7007-0211	For the purposes of a federally funded grant entitled, Massachusetts Modernization Partnership	\$2,356,000
7007-9007	For the purposes of a federally funded grant entitled, Urban Enterprise Program	\$6,011,387

Department of Education.

7010-2000	For the purposes of a federally funded grant entitled, Goals 2000 - Distribution	\$8,200,000
7010-2001	For the purposes of a federally funded grant entitled, Goals 2000 -Administration	\$1,194,000
7010-6610	For the purposes of a federally funded grant entitled, Initial Teacher Professional Development - Adminstration	\$82,857
7010-6611	For the purposes of a federally funded grant entitled, Initial Teacher Professional Development- Distribution	\$235,000
7010-8801	For the purposes of a federally funded grant entitled, Technology Literacy Challenge - Distribution	\$6,800,000
7010-8802	For the purposes of a federally funded grant entitled, Technology Literacy Challenge- Administration	\$654,253
7010-9095	For the purposes of a federally funded grant entitled, Massachusetts Parent Involvement- Administration	\$414,000
7010-9096	For the purposes of a federally funded grant entitled, Massachusetts Parent Involvement - Distribution	\$150,000
7010-9097	For the purposes of a federally funded grant entitled, Palms Phase II- Administration	\$367,135
7010-9098	For the purposes of a federally funded grant entitled, Palms Phase II- Distribution	\$1,420,000
7010-9706	For the purposes of a federally funded grant entitled, Common Core Data Project	\$26,000

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7027-9113	For the purposes of a federally funded grant entitled, Occupational Education- Technical Preparation	\$80,647
7027-9117	For the purposes of a federally funded grant entitled, Occupational Education - Distribution	\$16,373,068
7027-9124	For the purposes of a federally funded grant entitled, Technical Preparation	\$1,600,000
7027-9126	For the purposes of a federally funded grant entitled, Occupational Education-Administration	\$1,892,790
7027-9732	For the purposes of a federally funded grant entitled, Chapter II- E.C.I.A.- Administration	\$1,002,670
7028-0601	For the purposes of a federally funded grant entitled, Education of Handicapped - Administration	\$4,725,030
7028-9500	For the purposes of a federally funded grant entitled, Special Education for Culturally and Linguistically Diverse Exceptional Students	\$232,000
7030-0191	For the purposes of a federally funded grant entitled, Coordination of Technical Assistance for Bilingual Education Programs by S.E.A.S	\$103,289
7030-9737	For the purposes of a federally funded grant entitled, Chapter II – Block Grant Distribution-2000	\$6,250,000
7030-9780	For the purposes of a federally funded grant entitled, Dwight D. Eisenhower Math and Science Education Program – Administration	\$423,823
7030-9791	For the purposes of a federally funded grant entitled, Dwight D. Eisenhower Math and Science Education Program – Distribution-2000	\$5,200,000
7032-0217	For the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program - Distribution	\$779,060
7032-0227	For the purposes of a federally funded grant entitled, Drug Free Schools - Administration	\$937,776
7032-0228	For the purposes of a federally funded grant entitled, Massachusetts AIDS Education Program	\$839,290
7032-0231	For the purposes of a federal grant entitled, Drug Free Schools – Distribution-2000	\$8,200,000
7032-0402	For the purposes of a federally funded grant entitled, Local Education Agencies Education of Children of Low Income Families - Administration	\$1,520,000

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7032-0403	For the purposes of a federally funded grant entitled, Chapter I - Technical Assistance	\$642,322
7033-9401	For the purposes of a federally funded grant entitled, Christa McAuliffe - Administration	\$3,300
7035-0013	For the purposes of a federally funded grant entitled, Education of the Handicapped - Distribution	\$7,171,487
7035-0020	For the purposes of a federally funded grant entitled, Project Focus-Administration	\$1,009,000
7035-0117	For the purposes of a federally funded grant entitled, Chapter I, Education Consolidation and Improvement Act - Distribution-2000	\$160,720,370
7035-0127	For the purposes of a federally funded grant entitled, Neglected and Delinquent Children-2000	\$1,250,813
7035-0137	For the purposes of a federally funded grant entitled, Children in State Adult Correctional Institutions-2000	\$897,280
7035-0147	For the purposes of a federally funded grant entitled, Migrant Education-2000	\$3,200,000
7035-0151	For the purposes of a federally funded grant entitled, Homeless Children Youth Exemplary Grant	\$464,000
7035-0155	For the purposes of a federal grant entitled, Chapter I Capital Expenses for Private Schools-2000	\$1,070,000
7035-0158	For the purposes of a federally funded grant entitled, Massachusetts Educational Program for Homeless Children	\$164,589
7035-0166	For the purposes of a federally funded grant entitled, Even Start Family Literacy - Distribution	\$1,928,850
7035-0167	For the purposes of a federally funded grant entitled, Even Start Family Literacy - Administration	\$141,339
7035-0176	For the purposes of a federally funded grant entitled, Compre- hensive School Demonstration Project- Distribution	\$2,700,000
7035-0177	For the purposes of a federally funded grant entitled, Compre- hensive School Demonstration Project-Administration	\$142,000
7035-0210	For the purposes of a federally funded grant entitled, Advanced Placement Project	\$46,500
7035-0317	For the purposes of a federally funded grant entitled, Education of the Handicapped - Distribution-2000	\$80,000,000
7035-0713	For the purposes of a federally funded grant entitled, Early	

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	Childhood Incentive - Administration	\$386,018
7035-0717	For the purposes of a federally funded grant entitled, Pre-school Incentive – Distribution-2000	\$7,400,000
7035-0718	For the purposes of a federally funded grant entitled, Preschool Incentive - Discretionary	\$1,658,968
7038-0002	For the purposes of a federally funded grant entitled, Adult Basic Education – Title III	\$2,190,093
7038-0107	For the purposes of a federally funded grant entitled, Adult Basic Education - Distribution	\$5,831,056
7038-0131	For the purposes of a federally funded grant entitled, Job Training Partnership Act	\$172,629
7038-0189	For the purposes of a federally funded grant entitled, Statewide Family Literacy- Distribution	\$10,000
7038-0190	For the purposes of a federally funded grant entitled, Statewide Family Literacy- Administration	\$90,000
7038-0192	For the purposes of a federally funded grant entitled, Adult Learning Disabilities New England Partnership - Administration	\$59,000
7038-9002	For the purposes of a federally funded grant entitled, National & Community Services - Administration	\$510,000
7038-9004	For the purposes of a federally funded grant entitled, Massachusetts Plan for Community Service - Distribution	\$472,500
7038-9005	For the purposes of a federally funded grant entitled, Learn and Serve America - School Based Training	\$66,342
7038-9204	For the purposes of a federally funded grant entitled, CNCS American Conservation and Youth Service Corps - Distribution	\$6,350,000
7038-9404	For the purposes of a federally funded grant entitled, Learn and Serve America Community Based Training – Administration	\$170,000
7038-9724	For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance - Administration	\$36,100
7038-9747	For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance – Distribution-2000	\$2,350,000
7053-2105	For the purposes of a federally funded grant entitled, Special Food Distribution Cash	\$670,000

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7053-2111	For the purposes of a federally funded grant entitled, Special Milk Program	\$642,000
7053-2112	For the purposes of a federally funded grant entitled, School Lunch, Section 11 - Special Assistance	\$68,705,080
7053-2113	For the purposes of a federally funded grant entitled, Community School Lunch Program	\$21,670,000
7053-2114	For the purposes of a federally funded grant entitled, School Breakfast Program	\$23,810,000
7053-2117	For the purposes of a federally funded grant entitled, Child Care Food Program	\$46,500,000
7053-2118	For the purposes of a federally funded grant entitled, School Food Service-Management and Related Activities	\$200,000
7053-2126	For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance	\$905,000
7053-2202	For the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children	\$5,105,000
7062-0008	For the purposes of a federally funded grant entitled, Office of School Lunch Programs - Child Care Program Administration	\$2,200,000
7062-0009	For the purposes of a federally funded grant entitled, Summer Feeding- Administration	\$155,000
7062-0010	For the purposes of a federally funded grant entitled, Two Percent Child Care- Administration	\$775,000
7062-0016	For the purposes of a federally funded grant entitled, Charter Schools Assistance	\$157,507
7062-0017	For the purposes of a federally funded grant entitled, Charter Schools Assistance- Distributions	\$4,191,500
7062-0018	For the purposes of a federally funded grant entitled, Cooperative Demonstration School-to-Work Opportunities Implementation Program	\$4,250,000
7062-0018	For the purposes of a federally funded grant entitled, Cooperative Demonstration (School to Work)	\$4,250,000

Board of Higher Education.

7066-6092	For the purposes of a federally funded grant entitled, Dwight D. Eisenhower Mathematics and Science Education Act	\$1,600,000
7070-0017	For the purposes of a federally funded grant entitled, State Student Incentive Grant Program - Board of Higher	

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	Education	\$821,226
7110-6019	For the purposes of a federally funded grant entitled, Upward Bound Payroll and Benefits - Fitchburg State College	\$111,388
7110-6030	For the purposes of a federally funded grant entitled, Expanding Horizons Student Support Services - Fitchburg State College	\$159,639
7110-6031	For the purposes of a federally funded grant entitled, Community Policing US Justice Department - Fitchburg State College	\$46,333
7110-6035	For the purposes of a federally funded grant entitled, Leadership and Peer Education Training - Fitchburg State College	\$66,231
7110-6041	For the purposes of a federally funded grant entitled, Community Outreach Partnership Center - Fitchburg State College	\$50,289
7110-6064	For the purposes of a federally funded grant entitled, USIA Community Connections Payroll - Fitchburg State College	\$7,628
7114-9714	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students-Salem State College	\$302,938
7115-0001	For the purposes of a federally funded grant entitled, Student Support Grants- Westfield State College	\$105,209
7116-9760	For the purposes of a federally funded grant entitled, Community Oriented Policing Services - Worcester State College	\$82,095
7503-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students-Bristol Community College	\$307,928
7503-9714	For the purposes of a federally funded grant entitled, Upward Bound Program-Bristol Community College	\$273,177
7505-0590	For the purposes of a federally funded grant entitled, Cops Universal Hiring - Greenfield Community College	\$8,428
7508-9750	For the purposes of a federally funded grant entitled, International Studies and Foreign Language Program-Massasoit Community College	\$102,103
7508-9760	For the purposes of a federally funded grant entitled, Student Support Services Program-Massasoit Community College	\$154,232
7509-9714	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Mount Wachusett Community College	\$199,472

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7509-9718	For the purposes of a federally funded grant entitled, Talent Search - Mount Wachusett Community College	\$178,142
7510-9731	For the purposes of a federally funded grant entitled, Special Services-Northern Essex Community College	\$100,000
7510-9732	For the purposes of a federally funded grant entitled, Improvement of Post Secondary Education - Northern Essex Community College	\$20,000
7511-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students-North Shore Community College	\$355,875
7511-9713	For the purposes of a federally funded grant entitled, IAP Strengthening Institutions Program-North Shore Community College	\$57,322
7511-9740	For the purposes of a federally funded grant entitled, Upward Bound-North Shore Community College	\$314,343
7514-9720	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Springfield Tech Community College	\$190,403
7518-6127	For the purposes of a federally funded grant entitled, College Work Study Program - Bunker Hill Community College	\$220,000
7518-9748	For the purposes of a federally funded grant entitled, Student Support Services - Bunker Hill Community College	\$145,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.*State Police.*

8100-0060	For the purposes of a federally funded grant entitled, Cops More II	\$80,000
8100-0061	For the purposes of a federally funded grant entitled, Problem Solving Partnership	\$131,000
8100-0068	For the purposes of a federally funded grant entitled, Cops More 98- Civilianization Program	\$709,831
8100-0204	For the purposes of a federally funded grant entitled, Motor Carrier Safety Internship	\$40,517
8100-2058	For the purposes of a federally funded grant entitled, N.E.S.P.A.C. - Regional Investigation	\$2,300,000
8100-9706	For the purposes of a federally funded grant entitled, Cannabis Eradicate/Controlled Substance Prosecution DEA Agreement 21	\$80,000

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8100-9710	For the purposes of a federally funded grant entitled, State Police – Boston Police Forensic DNA Lab Improvements.	\$450,282
8100-9711	For the purposes of a federally funded grant entitled, Crime Lab State Identification System	\$194,711

Department of Fire Services.

8324-9707	For the purposes of a federally funded grant entitled, Underground Storage Tank Registry Program	\$439,670
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Registry of Motor Vehicles.

8400-0095	For the purposes of a federally funded grant entitled, Interstate 95 Corridor Grant	\$308,840
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Committee on Criminal Justice.

8600-0002	For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act Planning	\$98,512
8600-0003	For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act	\$884,613
8600-0008	For the purposes of a federally funded grant entitled, Drug-Free Schools and Communities Act of 1986	\$2,111,559
8600-0009	For the purposes of a federally funded grant entitled, Narcotics Control Assistance	\$10,287,849
8600-0010	For the purpose of a federally funded grant entitled, Statistical Analysis Center	\$51,769
8600-0019	For the purposes of a federally funded grant entitled, Title V Delinquency Prevention	\$368,783
8600-0020	For the purposes of a federally funded grant entitled, Stop Violence Against Women Formula Grants Program	\$3,039,899
8600-0021	For the purposes of a federally funded grant entitled, Challenge Grants Program	\$188,632
8600-0023	For the purposes of a federally funded grant entitled, National Criminal History Improvement Program	\$1,390,616
8600-0024	For the purposes of a federally funded grant entitled, State Prisoner Residential Substance Abuse	\$756,658
8600-0025	For the purposes of a federally funded grant entitled, Local Law Enforcement Block Grant	\$671,954
8600-0026	For the purposes of a federally funded grant entitled, Violent Offender Incarceration and Truth in Sentencing Incentive Grant	\$5,661,160

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8600-0027	For the purposes of a federally funded grant entitled, Innovative Local Law Enforcement Block Grant	\$347,110
8600-0033	For the purposes of a federally funded grant entitled, Motor Vehicle Theft Prevention Program	\$154,515
8600-0034	For the purposes of a federally funded grant entitled, Juvenile Accountability Incentive Block Grant	\$4,727,391
<i>Massachusetts Emergency Management Agency.</i>		
8800-0003	For the purposes of a federally funded grant entitled, Emergency Management Assistance - Personnel and Administrative Expenses	\$1,086,438
8800-0004	For the purposes of a federally funded grant entitled, Emergency Management Assistance - Distribution to Cities and Towns	\$727,477
8800-0005	For the purposes of a federally funded grant entitled, Disaster Preparedness Assistance	\$52,420
8800-0006	For the purposes of a federally funded grant entitled, Radiological Systems Maintenance	\$193,239
8800-0007	For the purposes of a federally funded grant entitled, Radiological Defense Officer	\$63,224
8800-0008	For the purposes of a federally funded grant entitled, Population Protection Planning Program	\$275,539
8800-0009	For the purposes of a federally funded grant, entitled, Emergency Management Training - State/Local Personnel	\$173,902
8800-0019	For the purposes of a federally funded grant entitled, Superfund Amendment and Reauthorization Acts of 1986	\$69,286
8800-0023	For the purposes of a federally funded grant entitled, State Emergency Response Commission	\$5,000
8800-0037	For the purpose of a federally funded grant entitled, Hazard Mitigation	\$3,348,313
8800-0040	For the purposes of a federally funded grant entitled, Emergency Management Assistance- December 1992 Coastal Storm	\$2,250,000
8800-0042	For the purposes of a federally funded grant entitled, Hazardous Materials Transportation Act	\$108,788
8800-0046	For the purposes of a federally funded grant entitled, Mitigation Assistance Program	\$235,477
800-0048	For the purposes of a federally funded grant entitled, Flood Mitigation Assistance Program	\$165,680

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8800-0054	For the purposes of a federally funded grant entitled, Flood Disaster of 10/26/96	\$5,168,182
8800-0055	For the purposes of a federally funded grant entitled, HUD-Disaster Relief	\$4,297,444

Governor's Highway Safety Board.

8850-0004	For the purposes of a federally funded grant entitled, State Agency Programs	\$3,500,000
8850-0021	For the purposes of a federally funded grant entitled, Program to Combat Underage Drinking	\$180,000
8850-0022	For the purposes of a federally funded grant entitled, Crash Outcome Data Evaluation System	\$100,000

Sheriffs.

8910-0118	For the purposes of a federally funded grant entitled, Life Skills for Offenders	\$393,881
8910-0901	For the purpose of a federally funded grant entitled, Triad COPS	\$22,000
8910-0902	For the purpose of a federally funded grant entitled, Assault Research COPS	\$90,000
8910-9115	For the purpose of a federally funded grant entitled, State Criminal Alien Assistance Program (SCAAP)	\$2,268,518

EXECUTIVE OFFICE OF ELDER AFFAIRS.

9110-1074	For the purposes of a federally funded grant entitled, Older Americans Assistance, Title III and Title VII; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$10,010,580
9110-1095	For the purposes of a federally funded grant entitled, Health Information Counseling and Assistance; provided that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$352,680
9110-1173	For the purposes of a federally funded grant entitled, Older Americans Act - Title III Nutrition Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$13,350,000
9110-1178	For the purposes of a federally funded grant entitled, Community Service Employment Program; provided, that the executive office of elder affairs may provide periodic	

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	payments in advance to participating agencies	\$1,953,580
9110-1181	For the purposes of a federally funded grant entitled, Cash in Lieu of Commodities Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$3,850,000
9110-2106	For the purpose of a federally funded grant entitled, Anti-Fraud project of Mass Health Insurance Information, Counseling and Assistance	\$50,000

SECTION 2E. To provide for the financing of the commonwealth's share of operating and contract assistance to the Massachusetts bay transportation authority on a contemporaneous basis, and to effectuate structural financing reforms needed to make said authority self-sufficient, the sum authorized pursuant to this section is hereby made available for the purposes and subject to the conditions specified in this act, subject to the provisions of law regulating the disbursement to public funds and approval thereof.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Office of the Secretary.

6005-9986	For the purpose of establishing the commonwealth's share of financing for the Massachusetts bay transportation authority on a contemporaneous basis; provided, that the state treasurer is hereby authorized to make payments to said authority from the sum authorized herein for amounts due the authority for the net cost of service, as defined by section 1 of chapter 161A of the General Laws, and for commuter rail assistance, for fiscal year 1999 and for prior fiscal years; provided, that the aggregate amount paid from this item shall not exceed the total of the actual amounts due said authority for the retirement of temporary notes of the authority and its working capital needs, as certified by the state comptroller; and provided further, that said notes shall be retired in fiscal year 2000	\$325,000,000
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SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, for the fiscal year ending June 30, 2000, the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be \$670,000,000 and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund; provided, further, that the total amount of lottery distribution in fiscal year 1999

shall be considered "general revenue sharing aid received in the prior fiscal year" for purposes of calculating the municipal revenue growth factor pursuant to the provisions of chapter 70 of the General Laws; provided further, that the entire amount of the distribution made by this section shall be exempt from the provisions of section 5 of said chapter 70.

Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district and county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section 2 shall be as set forth in the following lists; provided, that the specified amounts to be distributed from item 7061-0008 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under the provisions of sections 3, 6 and 7 of chapter 70 of the General Laws; provided further, that the amounts to be distributed from item 0611-5500 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws. No payments to cities, towns, or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until she receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section 43 of chapter 44 of the General Laws. Notwithstanding the provisions of any general or special law to the contrary, in fiscal year 2000 the amount of state school aid, allocated by the department of education to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools, shall be calculated pursuant to chapter 70 of the General Laws setting the foundation aid per cent at 100 and minimum aid at \$150. The amount of state school aid allocated by the department to each school district shall be not less than the product of \$150 and the total foundation enrollment, as determined by the department, plus the total amount of chapter 70 allocations, so-called, listed in section 3 of chapter 194 of the acts of 1998. For each such school district for which the fiscal year 2000 foundation budget remains greater than the fiscal year 2000 required net school spending, the department shall allocate an additional amount of aid equal to the remaining difference between said foundation budget and said required net school spending. Beginning in fiscal year 2001, the amounts allocated pursuant to the preceding two sentences shall be considered part of base aid. The amount allocated in item 7061-0008 of section 2 of this act for non-recurring payments shall be distributed and paid to certain cities, towns, and regional school districts as set forth in this section; provided however, that such non-recurring payments shall not be considered part of base aid in fiscal year 2001 or subsequent fiscal years. Terms used in this section shall be as defined in section 2 of chapter 70 of the General Laws.

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
ABINGTON	5,753,672	-		1,786,932
ACTON	1,868,353	101,886	37,368	1,220,536
ACUSHNET	4,473,677	106,389	30,043	1,365,413
ADAMS	-	-	44,096	1,786,766
AGAWAM	10,682,337	-		3,242,891
ALFORD	-	-		13,575
AMESBURY	9,067,845	246,707		1,801,458
AMHERST	5,478,292	-	280,503	6,960,819
ANDOVER	4,618,867	-		1,598,436
ARLINGTON	4,861,848	-	5,652,310	3,982,812
ASHBURNHAM	-	-		589,980
ASHBY	-	-		350,229
ASHFIELD	115,957	1,649		143,559
ASHLAND	1,943,633	-	366,937	895,639
ATHOL	-	-	5,507	1,912,260
ATTLEBORO	21,470,942	306,333		4,894,356
AUBURN	3,646,245	-		1,475,855
AVON	543,190	-	504,148	360,692
AYER	4,098,348	-	55,642	675,251
BARNSTABLE	5,222,021	530,061		1,748,543
BARRE	7,626	-		679,489
BECKET	86,236	1,890	10,797	67,577
BEDFORD	1,699,305	-	609,391	703,530
BELCHERTOWN	6,910,696	-		1,315,681
BELLINGHAM	6,950,008	-		1,683,688
BELMONT	2,708,294	-	1,041,278	1,587,432
BERKLEY	3,627,764	77,203		471,080
BERLIN	550,006	18,093		200,625
BERNARDSTON	-	-		223,809
BEVERLY	6,266,702	-	3,086,077	3,565,231
BILLERICA	12,866,874	-	2,956,313	3,670,648
BLACKSTONE	81,318	2,033		1,144,480
BLANDFORD	-	-		103,392

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
BOLTON	-	-		162,861
BOSTON	186,151,815	-	206,638,214	55,964,533
BOURNE	2,963,766	9,604	443,645	1,018,230
BOXBOROUGH	1,204,179	48,166		208,457
BOXFORD	1,403,430	76,168	45,818	384,251
BOYLSTON	339,386	-		306,251
BRAINTREE	4,225,569	-	4,250,822	2,864,500
BREWSTER	804,725	55,749		325,200
BRIDGEWATER	115,632	2,040		2,770,236
BRIMFIELD	995,975	24,981		312,637
BROCKTON	90,559,411	1,549,242	5,424,063	15,602,387
BROOKFIELD	1,535,905	26,138		425,110
BROOKLINE	4,535,088	-	4,401,448	3,534,251
BUCKLAND	-	-		236,959
BURLINGTON	3,407,608	-	1,744,603	1,387,664
CAMBRIDGE	6,660,769	-	22,595,349	7,201,019
CANTON	2,334,399	-	1,104,851	1,268,370
CARLISLE	520,306	-	18,534	189,244
CARVER	8,162,397	-		1,236,496
CHARLEMONT	84,325	1,235		136,148
CHARLTON	-	-		1,100,650
CHATHAM	394,180	-		147,479
CHELMSFORD	6,181,025	-	3,190,395	2,802,343
CHELSEA	34,980,424	566,900	4,274,507	4,787,166
CHESHIRE	247,923	3,370		462,183
CHESTER	-	-		142,344
CHESTERFIELD	135,145	2,583		105,909
CHICOPEE	32,384,611	-	1,504,526	8,626,359
CHILMARK	-	-		3,373
CLARKSBURG	1,191,751	22,148	16,502	320,611
CLINTON	8,206,381	-	220,865	1,929,552
COHASSET	1,107,609	-	209,013	380,740
COLRAIN	-	-		193,942

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
CONCORD	1,446,798	-	483,163	846,131
CONWAY	644,242	13,640		142,501
CUMMINGTON	29,808	-		62,527
DALTON	279,440	-		866,063
DANVERS	3,055,941	-	1,408,080	1,757,413
DARTMOUTH	6,313,148	-		2,231,466
DEDHAM	2,834,496	-	1,950,847	1,968,794
DEERFIELD	667,269	-		426,588
DENNIS	-	-		464,603
DIGHTON	-	-		611,543
DOUGLAS	4,640,699	100,768		571,942
DOVER	287,264	-		183,847
DRACUT	11,980,227	155,318		3,061,814
DUDLEY	-	-		1,317,212
DUNSTABLE	-	-	37,846	163,571
DUXBURY	2,484,172	-		831,269
EAST BRIDGEWATER	8,081,170	-		1,288,645
EAST BROOKFIELD	13,385	-		246,123
EAST LONGMEADOW	3,128,719	-		1,178,765
EASTHAM	230,580	-		124,648
EASTHAMPTON	7,015,208	-	137,004	2,363,540
EASTON	5,935,850	-		1,901,970
EDGARTOWN	300,823	-	35,873	40,046
EGREMONT	-	-		58,904
ERVING	242,963	-	16,548	56,717
ESSEX	682,429	-	42,569	207,836
EVERETT	14,364,572	466,932	5,139,628	3,064,384
FAIRHAVEN	6,318,463	78,329	492,569	1,796,099
FALL RIVER	75,812,320	551,704	2,882,862	19,979,422
FALMOUTH	4,017,892	-		1,193,941
FITCHBURG	30,104,969	530,484	270,312	7,186,236
FLORIDA	490,375	-		45,875
FOXBOROUGH	5,664,594	226,899		1,387,656

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
FRAMINGHAM	6,826,278	-	5,911,189	5,606,482
FRANKLIN	15,887,906	421,379		2,157,816
FREETOWN	874,276	-		842,154
GARDNER	13,688,384	194,029	151,944	3,456,633
GAY HEAD	-	-		1,933
GEORGETOWN	2,739,937	103,553	66,691	604,399
GILL	-	-		185,081
GLOUCESTER	5,336,650	136,355	2,419,911	2,297,532
GOSHEN	27,148	1,090		60,400
GOSNOLD	2,625	-	2,469	463
GRAFTON	4,407,608	166,134		1,373,161
GRANBY	2,490,562	-		737,019
GRANVILLE	673,804	21,161		121,231
GREAT BARRINGTON	-	-		700,004
GREENFIELD	8,744,566	182,025		2,703,554
GROTON	-	-		634,056
GROVELAND	-	-		589,562
HADLEY	526,863	-	174,084	283,610
HALIFAX	2,148,794	-		808,521
HAMILTON	-	-	53,967	548,964
HAMPDEN	-	-		528,321
HANCOCK	84,889	-	22,195	36,173
HANOVER	3,217,573	-	1,669,092	949,372
HANSON	-	-		1,119,497
HARDWICK	132,016	116,572	4,062	340,662
HARVARD	1,087,243	-	69,324	1,703,479
HARWICH	1,259,010	-		369,784
HATFIELD	565,484	-		279,818
HAVERHILL	31,108,834	439,858	3,149,881	6,846,227
HAWLEY	16,524	225	16,264	24,244
HEATH	-	-		52,763
HINGHAM	3,130,147	-	420,485	1,253,887
HINSDALE	39,107	532		182,805

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
HOLBROOK	4,115,634	-	5,987	1,391,071
HOLDEN	153,149	3,602		1,465,330
HOLLAND	666,080	-		152,740
HOLLISTON	6,092,833	243,475	518,826	1,111,531
HOLYOKE	57,596,400	-	763,384	8,380,784
HOPEDALE	4,440,948	84,724		563,664
HOPKINTON	2,182,040	202,079	151,365	561,937
HUBBARDSTON	-	-		275,881
HUDSON	5,623,347	213,393		1,867,471
HULL	4,104,161	-	1,747,307	987,748
HUNTINGTON	-	-		269,291
IPSWICH	1,807,453	-	975,780	920,533
KINGSTON	2,334,760	85,343		800,484
LAKEVILLE	1,678,544	118,956		668,135
LANCASTER	-	-		793,631
LANESBOROUGH	510,381	-		327,534
LAWRENCE	94,699,937	1,288,171	239,970	16,270,692
LEE	1,488,928	-		608,771
LEICESTER	7,347,267	158,442		1,528,731
LENOX	1,139,242	-	90,787	509,279
LEOMINSTER	27,297,135	555,720	14,714	4,741,974
LEVERETT	208,163	-		153,945
LEXINGTON	4,515,456	-		1,442,134
LEYDEN	-	-		60,523
LINCOLN	415,680	-	367,459	431,418
LITTLETON	1,099,252	-	207,535	503,687
LONGMEADOW	3,272,988	-		1,220,114
LOWELL	91,847,688	433,017	7,978,998	17,073,119
LUDLOW	8,589,370	-		2,459,208
LUNENBURG	2,886,345	-		958,643
LYNN	76,471,581	1,077,789	11,926,220	12,734,696
LYNNFIELD	1,618,450	-	455,892	689,496
MALDEN	18,639,402	504,030	7,030,168	7,598,574

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
MANCHESTER	666,198	-		223,526
MANSFIELD	6,691,716	323,760	912,368	1,281,805
MARBLEHEAD	2,243,329	-	49,583	1,052,946
MARION	286,380	-		194,350
MARLBOROUGH	4,497,627	383,154	3,433,241	2,848,729
MARSHFIELD	10,473,431	214,578	255,142	1,866,636
MASHPEE	3,261,701	160,714		220,602
MATTAPOISETT	416,518	-		375,257
MAYNARD	2,076,025	-	738,519	1,018,737
MEDFIELD	2,058,658	204,191	937,000	782,968
MEDFORD	11,320,366	-	8,094,393	6,609,062
MEDWAY	4,713,340	195,890	235,317	895,603
MELROSE	5,189,643	-	3,402,865	2,881,138
MENDON	-	-		330,015
MERRIMAC	-	-		663,296
METHUEN	19,894,003	545,893	205,147	4,603,791
MIDDLEBOROUGH	12,569,993	66,744		2,163,760
MIDDLEFIELD	-	-		37,519
MIDDLETON	790,721	55,472	159,272	306,721
MILFORD	10,259,703	-		2,791,401
MILLBURY	4,662,917	-		1,572,748
MILLIS	1,732,271	96,628	403,862	712,177
MILLVILLE	16,705	-		300,801
MILTON	2,918,939	-	1,566,851	2,141,408
MONROE	30,375	-	17,526	6,870
MONSON	4,921,186	-		1,105,969
MONTAGUE	-	-		1,069,724
MONTEREY	-	-	15,777	33,158
MONTGOMERY	-	-		73,230
MT WASHINGTON	8,841	-	41,886	2,834
NAHANT	355,229	-	157,791	271,449
NANTUCKET	686,560	-		66,699
NATICK	3,678,089	-	2,444,348	2,137,964

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
NEEDHAM	3,409,048	-	259,216	1,459,481
NEW ASHFORD	19,792	-	9,203	7,739
NEW BEDFORD	86,440,783	-	901,313	20,617,692
NEW BRAINTREE	-	-		95,098
NEWBURY	-	-		400,311
NEWBURYPORT	2,926,240	-	1,736,621	1,411,898
NEW MARLBOROUGH	-	-		48,746
NEW SALEM	-	-		80,429
NEWTON	8,830,716	-	1,732,789	4,625,628
NORFOLK	2,619,699	84,772		831,710
NORTH ADAMS	12,436,148	-	233,872	3,885,831
NORTH ANDOVER	3,449,437	-	151,695	1,638,713
NORTH ATTLEBOROUGH	12,764,740	326,739		2,580,189
NORTH BROOKFIELD	3,514,046	-		709,955
NORTH READING	2,403,001	-	1,189,787	947,950
NORTHAMPTON	6,735,654	-	727,239	3,575,319
NORTHBOROUGH	2,407,055	148,202	76,900	931,088
NORTHBRIDGE	9,589,961	193,953	3,865	2,024,615
NORTHFIELD	-	-		259,698
NORTON	8,339,183	1,120		1,836,331
NORWELL	1,724,954	-	680,878	602,787
NORWOOD	3,258,602	-	3,354,660	2,325,122
OAK BLUFFS	460,903	33,649		62,055
OAKHAM	54,245	-		142,381
ORANGE	5,169,398	-	2,661	1,411,938
ORLEANS	205,515	-		159,629
OTIS	-	-		26,062
OXFORD	7,318,851	-		1,873,821
PALMER	8,726,904	170,500		1,643,337
PAXTON	15,688	545		397,978
PEABODY	13,155,362	-	3,951,625	4,393,618
PELHAM	100,200	-		128,663
PEMBROKE	4,291,723	-		1,476,740

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
PEPPERELL	-	-		1,105,632
PERU	38,716	-		91,115
PETERSHAM	156,549	-		93,110
PHILLIPSTON	-	-	5,519	134,842
PITTSFIELD	27,083,381	-	1,107,722	6,881,450
PLAINFIELD	50,885	692		36,462
PLAINVILLE	1,711,110	55,516		652,500
PLYMOUTH	17,798,618	-		3,201,116
PLYMPTON	440,932	37,861		206,406
PRINCETON	-	-		259,558
PROVINCETOWN	246,730	-	27,912	129,855
QUINCY	12,679,625	-	14,555,556	9,182,520
RANDOLPH	9,645,447	151,388	2,297,597	3,309,814
RAYNHAM	375	-		990,738
READING	4,828,594	164,358	1,931,472	1,895,672
REHOBOTH	-	-		804,647
REVERE	20,848,148	-	6,712,698	5,351,631
RICHMOND	319,828	-		102,803
ROCHESTER	811,759	31,590		360,406
ROCKLAND	9,128,273	242,418	496,221	2,129,231
ROCKPORT	1,144,872	-		396,708
ROWE	38,515	-		3,773
ROWLEY	-	-	143,746	392,310
ROYALSTON	-	-		122,196
RUSSELL	-	-		193,441
RUTLAND	284,776	-		671,798
SALEM	10,663,526	-	4,151,021	3,584,439
SALISBURY	-	-		544,940
SANDISFIELD	-	-		26,793
SANDWICH	3,497,980	-	111,247	758,436
SAUGUS	3,386,156	-	2,245,040	2,023,325
SAVOY	332,500	1,216	17,367	88,314
SCITUATE	2,885,532	-	1,101,119	1,274,225

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
SEEKONK	2,944,342	-		1,077,188
SHARON	4,258,903	258,591	78,642	1,216,533
SHEFFIELD	-	-	15,023	194,136
SHELBURNE	-	-		230,693
SHERBORN	297,346	-	26,364	186,689
SHIRLEY	3,088,305	32,346	233,500	968,745
SHREWSBURY	5,615,772	740	376,077	2,123,910
SHUTESBURY	476,177	15,023		124,853
SOMERSET	2,281,203	-		1,242,233
SOMERVILLE	22,358,019	418,753	20,410,649	11,028,479
SOUTH HADLEY	5,494,673	-	25,437	2,218,515
SOUTHAMPTON	1,752,089	42,479		496,005
SOUTHBOROUGH	1,275,077	98,187		374,648
SOUTHBRIDGE	12,234,179	-		3,009,298
SOUTHWICK	-	-		964,608
SPENCER	173,374	-		1,806,781
SPRINGFIELD	178,728,726	2,783,323	2,302,181	28,774,977
STERLING	-	-		596,775
STOCKBRIDGE	-	-		96,563
STONEHAM	2,373,084	-	2,553,177	1,952,971
STOUGHTON	8,078,683	-	129,781	2,958,620
STOW	-	-	8,776	369,807
STURBRIDGE	1,000,261	-		640,217
SUDBURY	1,881,802	204,544	807,321	803,448
SUNDERLAND	684,433	19,296		406,675
SUTTON	3,357,235	95,341		671,148
SWAMPSCOTT	1,794,304	-	443,359	906,312
SWANSEA	4,317,189	-		1,707,338
TAUNTON	31,202,959	626,096		7,818,930
TEMPLETON	-	-		1,058,776
TEWKSBURY	9,814,299	331,650		2,598,895
TISBURY	255,485	-		91,980
TOLLAND	-	-	12,413	4,899

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
TOPSFIELD	464,169	-	318,725	377,355
TOWNSEND	-	-		1,003,437
TRURO	187,426	-		26,243
TYNGSBOROUGH	4,948,339	152,585		778,947
TYRINGHAM	25,050	-		11,920
UPTON	-	-		440,063
UXBRIDGE	6,779,241	162,778		1,256,095
WAKEFIELD	3,884,593	-	1,809,635	2,135,847
WALES	613,948	-		195,715
WALPOLE	4,243,836	-	1,112,115	1,675,560
WALTHAM	5,907,601	-	6,869,270	4,895,603
WARE	6,301,246	128,583	19,199	1,451,378
WAREHAM	10,194,020	453,691		1,862,888
WARREN	-	-		620,325
WARWICK	-	-	36,354	68,021
WASHINGTON	14,418	199	29,889	59,851
WATERTOWN	2,362,662	-	5,571,114	2,758,181
WAYLAND	2,088,049	-	352,813	634,262
WEBSTER	6,682,971	-	78,026	2,077,210
WELLESLEY	2,764,669	-	121,858	1,219,914
WELLFLEET	111,865	-		55,034
WENDELL	-	-	32,131	107,403
WENHAM	-	-	175,913	288,066
WEST BOYLSTON	2,032,498	82,782	85,259	594,274
WEST BRIDGEWATER	1,690,625	-	59,411	568,957
WEST BROOKFIELD	-	-		391,602
WEST NEWBURY	-	-		256,214
WEST SPRINGFIELD	10,988,926	345,809		2,884,999
WEST STOCKBRIDGE	-	-		95,137
WEST TISBURY	-	-	229,569	28,987
WESTBOROUGH	2,375,099	-	182,536	884,457
WESTFIELD	24,070,030	465,592		5,189,361
WESTFORD	5,929,284	314,094	1,126,887	1,202,253

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Municipality	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution
WESTHAMPTON	265,136	9,839		118,705
WESTMINSTER	-	-		531,679
WESTON	1,185,633	-		362,594
WESTPORT	2,922,717	-		1,163,251
WESTWOOD	1,908,727	-	45,632	658,858
WEYMOUTH	17,019,744	453,822	3,050,391	6,584,392
WHATELY	88,508	-		109,999
WHITMAN	-	-		1,937,123
WILBRAHAM	-	-		1,097,776
WILLIAMSBURG	381,759	-		276,248
WILLIAMSTOWN	908,135	-		866,678
WILMINGTON	2,985,879	-	1,578,564	1,238,680
WINCHENDON	8,596,952	157,573	31,919	1,362,967
WINCHESTER	2,862,010	-	433,387	1,166,872
WINDSOR	22,120	301	35,260	54,520
WINTHROP	4,442,483	-	2,878,558	2,320,342
WOBURN	4,133,520	-	4,513,710	2,854,512
WORCESTER	128,086,963	2,579,582	14,860,192	26,895,378
WORTHINGTON	-	-		95,181
WRENTHAM	2,886,536	-		870,796
YARMOUTH	-	-		1,050,008
Total Aid to Regional Schools	465,806,360	5,478,264		
Total	2,771,073,253	32,259,702	476,315,282	670,000,000

Regional School	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid
ACTON BOXBOROUGH	2,740,242	-
ADAMS CHESHIRE	9,159,871	-
AMHERST PELHAM	8,116,028	167,379
ASHBURNHAM WESTMINSTER	7,719,788	50,277

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Regional School	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid
ASSABET VALLEY	2,890,763	-
ATHOL ROYALSTON	14,521,620	198,307
BERKSHIRE HILLS	2,940,840	-
BERLIN BOYLSTON	797,459	-
BLACKSTONE MILLVILLE	9,430,127	183,407
BLACKSTONE VALLEY	5,346,323	77,948
BLUE HILLS	3,372,821	-
BRIDGEWATER RAYNHAM	16,513,236	86,695
BRISTOL COUNTY	1,360,203	-
BRISTOL PLYMOUTH	5,217,482	110,715
CAPE COD	1,840,606	-
CENTRAL BERKSHIRE	7,546,703	197,797
CHESTERFIELD GOSHEN	594,096	12,939
CONCORD CARLISLE	1,455,558	-
DENNIS YARMOUTH	6,212,898	-
DIGHTON REHOBOTH	9,498,659	246,903
DOVER SHERBORN	1,151,595	-
DUDLEY CHARLTON	14,939,281	746,986
ESSEX COUNTY	3,561,660	-
FARMINGTON RIVER	357,538	-
FRANKLIN COUNTY	2,102,713	-
FREETOWN LAKEVILLE	4,934,486	-
FRONTIER	2,264,059	56,095
GATEWAY	6,568,649	-
GILL MONTAGUE	6,076,058	-
GREATER FALL RIVER	10,171,235	153,552
GREATER LAWRENCE	11,654,441	231,206
GREATER LOWELL	14,333,975	-
GREATER NEW BEDFORD	15,790,059	241,634
GROTON DUNSTABLE	6,715,761	188,855
HAMILTON WENHAM	2,917,648	-
HAMPDEN WILBRAHAM	7,731,802	-
HAMPSHIRE	1,985,938	-

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Regional School	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid
HAWLEMONT	674,466	-
KING PHILIP	4,158,168	131,006
LINCOLN SUDBURY	1,769,702	-
RALPH C MAHAR	3,373,561	15,141
MARTHAS VINEYARD	1,970,200	65,496
MASCONOMET	3,658,677	135,741
MENDON UPTON	4,416,339	136,026
NARRAGANSETT	6,870,129	-
NASHOBA	5,701,204	-
NASHOBA VALLEY	2,097,018	-
NAUSET	3,334,026	-
NEW SALEM WENDELL	704,472	-
NORFOLK COUNTY	692,866	-
NORTH MIDDLESEX	18,732,804	273,994
NORTH SHORE	1,567,880	52,999
NORTHAMPTON SMITH	847,426	26,451
NORTHBORO SOUTHBORO	1,481,044	-
NORTHEAST METROPOLITAN	6,102,842	112,204
NORTHERN BERKSHIRE	2,744,491	-
OLD COLONY	2,036,156	-
OLD ROCHESTER	1,508,825	-
PATHFINDER	2,146,187	-
PENTUCKET	10,380,914	247,782
PIONEER	3,633,787	89,253
QUABBIN	12,607,350	228,513
QUABOAG	7,105,381	65,830
SHAWSHEEN VALLEY	3,406,786	-
SILVER LAKE	9,847,313	-
SOUTH MIDDLESEX	2,492,947	-
SOUTH SHORE	1,974,420	-
SOUTHEASTERN	8,200,458	-
SOUTHERN BERKSHIRE	1,860,750	-
SOUTHERN WORCESTER	4,403,341	-

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Regional School	7061-0008 Chapter 70 School Aid	Non-recurring Chapter 70 School Aid
SOUTHWICK TOLLAND	6,502,394	-
SPENCER EAST BROOKFIELD	10,287,256	133,778
TANTASQUA	5,601,220	136,156
TRI COUNTY	3,275,308	-
TRITON	7,731,410	276,909
UPISLAND	846,029	-
UPPER CAPE COD	1,955,518	67,597
WACHUSETT	15,641,500	-
WHITMAN HANSON	18,261,694	332,693
WHITTIER	5,041,715	-
Regional Total	465,806,360	5,478,264

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, the number of full time equivalent positions compensated from the AA subsidiary, so-called, of each of the items listed below shall not exceed the number of authorized positions specified below for each such item; provided, however, that for the purposes of this section, board and commission members and seasonal employees shall not be classified as full-time equivalent positions. Nothing in this section shall be construed so as to make any further appropriation of funds.

Item #	FTE Cap
03200001	7.00
03200003	64.00
03200010	9.60
03210001	6.00
03210100	9.60
03211500	91.78
03211502	141.50
03211503	14.80
03211504	8.91
03212000	7.40
03220100	93.50
03300101	73.00

Item #	FTE Cap
03300102	162.00
03300103	43.16
03300104	4.00
03300105	11.00
03300106	6.00
03300107	32.67
03300300	132.00
03300317	4.00
03300401	3.00
03302000	46.10
03302205	400.00
03302207	63.00

Item #	FTE Cap
03302410	7.00
03303200	1234.00
03303700	10.00
03310100	168.00
03312100	14.00
03312200	6.00
03312300	23.00
03312400	3.00
03312500	42.00
03312600	8.00
03312700	33.00
03312800	7.00

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Item #	FTE Cap
03312900	94.00
03313000	2.00
03313100	31.00
03313200	33.00
03313300	114.00
03313400	49.00
03313404	6.00
03313500	29.00
03320100	26.00
03321100	43.00
03321200	28.00
03321203	25.00
03321300	14.00
03321400	30.00
03321500	11.00
03321600	51.00
03321700	64.00
03321800	71.00
03321900	29.00
03322000	7.00
03322100	44.00
03322300	7.00
03322400	44.00
03322500	22.00
03322600	86.00
03322700	72.00
03322800	37.00
03322900	30.00
03323000	30.00
03323100	14.00
03323200	25.00
03323300	29.00

Item #	FTE Cap
03323400	17.00
03323500	103.00
03323600	20.00
03323700	41.00
03323800	13.00
03323900	83.00
03324000	66.00
03324100	22.00
03324200	26.00
03324300	17.00
03324400	51.00
03324500	38.00
03324600	81.00
03324700	53.00
03324800	29.00
03324900	51.00
03325000	30.00
03325100	5.00
03325200	50.00
03325300	113.00
03325400	36.00
03325500	36.00
03325600	19.00
03325700	79.00
03325800	46.00
03325900	44.00
03326000	39.00
03326100	28.00
03326200	16.00
03326300	54.00
03326400	110.00
03326500	39.00

Item #	FTE Cap
03326600	85.00
03326700	22.00
03326800	53.00
03326900	102.00
03327000	31.00
03327100	23.00
03327200	5.00
03327300	27.00
03327400	28.00
03327500	15.00
03327600	30.00
03327700	21.00
03327800	22.00
03327900	20.00
03330002	38.00
03330100	32.00
03330200	19.00
03330300	58.00
03330400	6.00
03330500	60.00
03330600	18.00
03330700	69.00
03330800	19.00
03330900	118.00
03330911	9.00
03331000	3.00
03331100	67.00
03331111	4.00
03331200	60.00
03331300	88.00
03331313	9.00
03331400	61.00

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Item #	FTE Cap
03340001	60.00
03350001	175.00
03360002	2.00
03360100	26.00
03360200	13.00
03360300	9.00
03360400	25.00
03360500	17.00
03370002	25.00
03370003	313.00
03370100	89.00
03370200	62.00
03370300	60.00
03370400	35.00
03370500	45.00
03391001	276.00
03391002	212.00
03391003	61.00
03392100	33.00
03400100	290.00
03400200	225.00
03400300	136.13
03400400	136.00
03400500	132.12
03400600	73.00
03400700	122.00
03400800	115.00
03400900	111.49
03401000	50.80
03401100	45.60
05110000	172.00
05110200	14.00

Item #	FTE Cap
05110230	4.00
05110250	11.00
05110260	7.00
05170000	7.00
05210000	13.00
05210001	12.00
05240000	2.00
05260100	25.00
05280100	1.00
05400900	17.00
05401000	49.00
05401100	12.00
05401200	45.50
05401300	10.00
05401400	32.60
05401500	90.00
05401600	7.00
05401800	9.00
05401800	4.50
05401900	49.00
05402000	15.00
05402100	56.00
06100000	114.60
06300000	1.00
06400000	388.53
06400300	30.00
07100000	315.00
07100100	16.50
08100000	361.41
08100003	3.00
08100014	18.80
08100017	1.00

Item #	FTE Cap
08100021	32.80
08100045	55.05
08100201	18.10
08100338	5.00
08100399	8.00
08400100	6.00
08400101	1.00
09000100	26.00
09100200	39.64
09200300	15.85
10000001	110.39
11001100	20.00
11001103	10.50
11001140	39.33
11012100	42.60
11023210	145.80
11023301	65.00
11072400	12.00
11072501	30.00
11081011	7.80
11085100	48.87
11101000	11.60
11204005	20.94
11505100	47.00
12010100	1595.32
12010160	778.84
12010300	112.00
12320200	11.60
13101000	26.00
14100010	37.00
17500100	97.20
17500111	8.00

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Item #	FTE Cap
17500115	5.00
17500200	9.00
17750100	56.36
17900100	145.80
17900107	27.80
17900600	10.80
20000100	40.00
20009900	10.00
20100100	2.00
20200100	27.00
20600100	2.00
21000005	16.00
21001000	32.65
21002030	507.61
22000100	421.95
22100100	13.73
22202220	37.30
22502000	30.80
22608870	261.41
22608881	5.00
23000100	12.00
23000101	5.00
23000104	1.00
23000106	20.00
23100200	124.89
23100500	5.00
23150100	4.00
23200100	6.00
23300100	75.50
23300120	10.00
23500100	153.47
23500101	5.00

Item #	FTE Cap
24101000	20.00
24201400	173.90
24400010	345.88
24404000	1.00
24404500	1.00
24601000	63.80
25110100	67.75
25114010	1.00
25200100	1.00
40000100	34.80
40000300	835.00
41000060	123.40
41000061	8.00
41100001	10.30
41101000	49.10
41101020	10.65
41102000	7.00
41104000	46.40
41201000	3.00
41203000	7.50
41204000	12.00
41205000	16.00
41206000	13.00
41250100	71.30
41300001	47.83
41300002	8.68
41300005	137.10
41301000	1.67
41800100	420.00
41900100	342.00
42000010	65.39
42000100	232.70

Item #	FTE Cap
42000200	147.00
42000300	392.30
44001000	869.31
44001025	5.00
44001100	1525.93
45100100	156.71
45100150	1.00
45100600	68.00
45100710	117.39
45100750	3.00
45120103	29.30
45120200	8.00
45120500	0.50
45131000	33.81
45131002	3.00
45131005	18.00
45131020	3.80
45131111	1.00
45131112	1.00
45161000	148.05
45180100	39.78
45309000	1.00
45701500	7.50
45801000	12.60
45900300	9.00
45900908	7.00
45900909	747.45
45900910	241.53
45900911	591.97
45900912	216.00
48000015	715.40
48000025	47.50

Item #	FTE Cap
48000050	18.00
48001100	2209.10
48001101	65.00
48001102	176.00
48001500	14.00
48001997	27.00
50110100	704.62
50425000	109.52
50460000	1154.23
50470002	1.00
50550000	48.32
50950015	2785.11
59111000	83.30
59112000	5.60
59201000	924.00
59202010	2473.32
59301000	3955.34
60000100	5.00
60060003	7.00
60100001	903.40
60101000	446.50
70009101	20.00
70020100	10.00
70020101	7.00
70020200	22.00
70020400	18.10
70020500	302.80
70020600	17.30
70020700	7.00
70020800	9.60
70030810	15.00
70040001	2.00

Item #	FTE Cap
70040099	104.00
70042025	1.00
70060000	28.00
70060010	182.29
70060020	151.33
70060040	127.30
70060050	8.80
70060060	18.00
70060070	105.45
70060080	14.00
70060100	21.16
70060110	46.50
70060130	41.22
70060135	3.00
70070100	7.52
70070300	43.29
70070900	35.00
70070970	6.00
70071500	11.00
70061000	10.72
70061001	4.00
70100005	153.31
70280031	56.77
70301000	8.00
70320500	1.00
70350002	3.00
70610019	23.00
70619400	10.00
70619404	1.00
70619604	32.59
70660000	23.00
70700065	13.00

Item #	FTE Cap
71000300	16.20
80000000	9.00
80000020	4.00
80000030	1.00
80000105	45.00
80000110	61.44
80000125	42.00
80000160	10.40
80000500	4.00
81000000	2465.13
82000200	32.27
83111000	19.76
83151000	16.00
83151002	64.00
83240000	24.00
83241000	15.00
83241007	4.00
83241101	3.00
83241500	14.00
84000001	750.98
84000100	65.33
86000001	14.80
87000001	92.00
88000001	31.00
88000100	8.00
88000200	5.00
88500015	1.00
89000001	5322.82
89000002	70.00
89000004	12.00
89000007	1.00
89000009	81.40

Item #	FTE Cap
89000010	61.00
89100102	788.00
89100105	562.00
89100107	584.20

Item #	FTE Cap
89100108	95.80
89100110	161.00
89100619	521.00
89500001	240.76

Item #	FTE Cap
89500002	6.00
91100100	31.80
91100102	4.00

SECTION 5. Notwithstanding the provisions of clause Forty-first of section 7 of chapter 4 of the General Laws or any other general or special law to the contrary, the commissioner of revenue or other official responsible for a local reimbursement or assistance program reported by said commissioner pursuant to section 25A of chapter 58 of the General Laws shall use the 1996 city and town population estimates of the United States Bureau of the Census in calculating distributions or assessments under such local reimbursement or assistance programs. Such distribution programs shall include, but not be limited to, the school aid program established under the provisions of chapter 70 of the General Laws and regional public libraries. Such assessments shall include, but not be limited to, air pollution control districts, the metropolitan area planning council, the Old Colony Planning Council, the Massachusetts Bay Transportation Authority and any other entity for which said commissioner is required to give notice pursuant to said section 25A.

SECTION 6. The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by said secretary. Only in fiscal year 2000, the department of revenue may make such advance payment to the Essex Independent Agricultural and Technical School upon enactment of this act.

SECTION 7. The commissioner of capital asset management and maintenance shall develop a project accounting system for all pool accounts including, but not limited to, asbestos, handicapped access, demolition, fire protection improvement, environmental hazards, air pollution, energy, preventive maintenance, wastewater treatment and toxic waste cleanup. The project accounting system shall be utilized to assess charges for all project-related costs including, but not limited to, administrative overhead. The commissioner may, in accordance with schedules approved by the secretary of administration and finance, employ or reassign employees of the division to such projects as may be required but the salaries and administrative expenses shall be charged to the accounts funding such project. Such charges shall not exceed 2 per cent of the following appropriation accounts: 1102-7881, 1102-7882, 1102-7885, 1102-7886, 1102-7887, 1102-7890, 1102-7893, 1102-7894, 1102-7896, 1102-7897, 1102-8801, 1102-8819, 1102-8847, 1102-8869, 1102-8880, 1102-8890, 1102-8891, 1102-8892, 1102-8893, 1102-8895, 1102-8897, 1102-8899 and 1102-9802.

SECTION 8. All sums appropriated under the provisions of this act, including supplemental and deficiency budgets, shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups and women and handicapped persons. All officials and employees of an agency, board, department, commission, or division receiving monies under this act shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth.

Each agency, board, department, commission, or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, in-service or apprenticeship training programs and all terms and conditions of employment. The secretary of administration and finance shall conduct an ongoing review of affirmative action steps taken by various agencies, boards, commissions, or divisions to determine whether such agencies, boards, departments, commissions are complying with this section. Whenever noncompliance is determined by the secretary, he shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board, department, commission, or division, to the governor and to the Massachusetts Commission Against Discrimination. Said secretary shall report on the status of each agency, board, department, commission or division receiving monies under this act, including supplemental and deficiency budgets, as to compliance or noncompliance with affirmative action policies to the joint committee on public service and the joint committee on commerce and labor on or before December 1, 1999.

SECTION 9. Subsection (1) of section 66 of chapter 3 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:- The commission shall be an independent agency of the government of the commonwealth and shall not be subject to the control of any other department or agency.

SECTION 10. Notwithstanding the provisions of section 31 of chapter 81 of the General Laws or any other general or special law to the contrary, the portion of the Highway Fund allocated for reimbursements to cities and towns for costs actually incurred in constructing, maintaining and policing city or town streets or roads, as appropriated in item 6005-0017 of section 2, shall be distributed in fiscal year 2000 in the same proportion as the fiscal year 1999 distribution of said Highway Fund reimbursements.

SECTION 11. Chapter 6 of the General Laws is hereby amended by inserting after section 172E the following section:-

Section 172F. Notwithstanding the provisions of section 172, the following information shall be available, upon request, to the office of child care services for the purposes of evaluating any residence, facility, program, system or other entity licensed under chapter 28A, whether public or private, or any non-relative, in-home child care provider that receives federal or state funded child care in order to further the protection of children: con-

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viction data, arrest data, sealed record data and juvenile arrest or conviction data. The office of child care services shall not disseminate such information for any purpose other than to further the protection of children.

SECTION 12. Section 196 of said chapter 6 is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of section 7 of chapter 268A, a state employee who is approved by the commission for the deaf and hard of hearing as an interpreter may be employed by the commission or by other state agencies as long as the interpreter services will be provided outside of the normal working hours of the employee, the services are not required as part of the regular duties of the employee, the employee does not participate in or have official responsibility for the financial management of the contracting agency, the employee is compensated for no more than four hours in any day in which the employee is otherwise compensated by the commonwealth, and the head of the contracting agency files with the state ethics commission a written certification that there is a critical need for the services of the employee.

SECTION 13. Section 4A of chapter 7 of the General Laws is hereby amended by adding the following paragraph:-

(e) The commissioner of capital asset management and maintenance shall be appointed by the commissioner of administration, with the prior written approval of the governor, and may be removed in like manner. He shall be a person of ability and experience, familiar with the principles of the systematic and coordinated planning of capital facilities and shall carry out such functions and duties as the commissioner may from time to time deem necessary for the efficient and economical administration of the capital assets of the commonwealth including, but not limited to, the systematic review of capital assets, the scheduling of routine and scheduled maintenance, repairs, tracking the deferred maintenance needs of capital assets and the coordinated planning of capital facilities in relation to the programmatic needs of state agencies. Said commissioner shall devote his entire time to the duties of his office. No person holding such position shall be subject to the provisions of chapter 31 or section 9A of chapter 30.

SECTION 14. Section 39B of chapter 7 of the General Laws, as appearing in the 1998 Official Edition is hereby amended by inserting before the first paragraph the following paragraph:-

The commissioner of capital asset management and maintenance shall be appointed by the commissioner of administration, with the prior written approval of the governor, and may be removed in like manner. He shall be a person of ability and experience, shall be familiar with the principles of the systematic and coordinated planning of capital facilities and shall carry out such functions and duties as the commissioner may from time to time deem necessary for the efficient and economical administration of the capital assets of the commonwealth including, but not limited to, the systematic review of capital assets, the scheduling of routine and schedule maintenance repairs, tracking the deferred maintenance needs of capital assets and the coordinated planning of capital facilities in relation to the pro-

grammatical needs of state agencies. The commissioner shall devote his entire time to the duties of his office. No person holding such position shall be subject to the provisions of chapter 31 or section 9A of chapter 30.

SECTION 15. Clause (1) of paragraph (c) of the first paragraph of section 16 of chapter 7A of the General Laws, as so appearing, is hereby amended by striking out subclause (B) and inserting in place thereof the following subclause:-

(B) minimum-estimated-liability amounts for pending claims as to which presentment has been made pursuant to said chapter 258.

SECTION 16. Said paragraph (c) of said first paragraph of said section 16 of said chapter 7A, as so appearing, is hereby further amended by striking out clause (6) and inserting in place thereof the following clause:-

(6) the comptroller may pay rebates to agencies that reduce their resolved and pending claims totals below expected levels in a fiscal year and may assess surcharges on agencies experiencing unexpectedly high resolved and pending claims totals in a fiscal year;.

SECTION 17. Chapter 8 of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. There shall be within the executive office for administration and finance a bureau of state office buildings, headed by a state superintendent of state office buildings. The superintendent shall be appointed by the commissioner of administration and may be removed in like manner. The superintendent shall be a person of ability and experience and shall devote his entire time to the duties of his office. Said office shall not be classified under chapter 31.

SECTION 18. Section 4 of said chapter 8, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "capital asset management and maintenance" and inserting in place thereof the following word:- administration.

SECTION 19. Section 10 of said chapter 8, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The commissioner of administration shall, during the sessions of the general court, upon application of the sergeant-at-arms subject to such rules as the committee on rules of the two branches acting concurrently may adopt, assign such rooms as may be required for the use of committees and other purposes.

SECTION 20. The second paragraph of section 16A of said chapter 8, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Said room may be used as a meeting place for the organizations known as the Daughters of Union Veterans of the Civil War, the Sons of Union Veterans of the Civil War and any other organizations affiliated with the Grand Army of the Republic, Department of Massachusetts, subject to the approval of the commissioner of administration.

SECTION 21. Section 17 of said chapter 8, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whenever, in the opinion of the commissioner of administration, there is space available,

there shall be set apart and suitably furnished rooms in the state house for the use of the Massachusetts Department of the American Legion, the United Spanish War Veterans, the Disabled American Veterans of World War, the Veterans of Foreign Wars of the United States, the American Veterans of World War II, AMVETS, the Veterans of Indian Wars, the Reserve Officers Association of the United States, the Army-Navy Union, Italian American War Veterans of the United States, Incorporated, Department of Massachusetts, the Jewish War Veterans of the United States, Department of Massachusetts, Inc., the Organization of Afro-American Veterans, Inc., the Polish-American Veterans of Massachusetts, Inc., of the Marine Corps League, Department of Massachusetts, Inc., the Polish Legion of American Veterans, Department of Massachusetts, Inc., the Veterans of World War I of the U.S.A., Department of Massachusetts, the Massachusetts Regional Group of the Blinded Veterans Association, Inc., the Amputee Veterans Association of America, Inc., the Vietnam Veterans of Massachusetts, Inc. and of the Legion of National Guard Veterans of Massachusetts, Inc., respectively, such rooms to be under the charge of the state commanders of the respective departments, subject to this chapter.

SECTION 22. Chapter 10 of the General Laws is hereby amended by striking out section 35L, as so appearing, and inserting in place thereof the following section:-

Section 35L. There shall be established upon the books of the commonwealth a separate fund to be known as the Division of Insurance Trust Fund, to be expended subject to appropriation, by the division of insurance established in section 1 of chapter 26. Revenues collected pursuant to section 163 of chapter 175 by said division in a fiscal year shall be deposited into the fund in an amount sufficient to create a positive balance in the fund at the end of such fiscal year and in an amount not less than total appropriation made from the fund in the annual general appropriation act for such fiscal year. Revenues collected pursuant to said section 163 of said chapter 175 in excess of said deposit shall be deposited into the general fund. Any unexpended balance in the Division of Insurance Trust Fund at the end of a fiscal year shall not revert to the general fund, but shall remain available for expenditure from such fund in subsequent fiscal years, subject to appropriation.

SECTION 23. Chapter 10 is hereby amended by inserting after section 35S the following section:-

Section 35T. As used in this section, the following words shall, unless the context otherwise requires, have the following meanings:-

"Base revenue amount", for fiscal year 2001 the amount of \$645,000,000, and for each fiscal year thereafter the base revenue amount for the prior fiscal year multiplied by the inflation index for the preceding 12 months, as certified by the comptroller on March 1 of each year, beginning on March 1, 2001 as set forth in subsection (b); provided, that in no year shall the base revenue amount exceed 103 per cent of the base revenue amount applicable for the prior fiscal year; provided further, that if in any year said inflation index is less than three per cent but greater than the per cent increase in gross sales tax revenues received pursuant to chapters 64H and 64I in the preceding 12 months, excluding any portion of such taxes imposed on meals as defined in paragraph (h) of section 6 of said chapter 64H,

then the base revenue amount shall be adjusted by the same percentage increase in said gross sales tax revenues; provided further, that if in any year the per cent increase in said gross sales tax revenues is zero or less, then the base revenue amount shall not be adjusted for the subsequent fiscal year.

"Dedicated sales tax revenue amount", all monies received by the commonwealth equal to one cent of the gross receipts of a sale as defined by the provisions of chapter 64H and one cent of the sales price of a purchase as defined by the provisions of chapter 64I from that portion of the taxes imposed under the provisions of said chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of services, and upon the storage, use or other consumption of tangible property or of services, including interest thereon or penalties but not including any portion of such taxes imposed on the sale of meals as defined in paragraph (h) of section 6 of chapter 64H.

"Inflation index", the per cent change in inflation as measured by the per cent change in the consumer price index for all urban consumers for the Boston metropolitan area as determined by the bureau of labor statistics of the United States department of labor.

(a) There is hereby set up on the books of the commonwealth a separate fund to be known as the Massachusetts Bay Transportation Authority State and Local Contribution Fund, hereinafter called the Fund. There shall be credited to the Fund (i) the dedicated sales tax revenue amount, provided that in any fiscal year the amount shall be not less the base revenue amount as certified pursuant to subsection (b); and (ii) all assessments received by the commonwealth pursuant to section 9 of chapter 161A. Annual receipts into the fund on account of any fiscal year shall be deemed to meet the full obligation of the commonwealth to the Massachusetts Bay Transportation Authority, hereinafter called the authority, for such fiscal year. Amounts in the Fund shall be held by the state treasurer or his designee as trustee and not on account of the commonwealth, and the state treasurer is hereby authorized and directed to disburse amounts in the Fund to the authority, without further appropriation, upon the request, from time to time, of the general manager of the authority.

Before the state treasurer disburses funds to the authority, the authority must first certify that it has made provision in its annual budget pursuant to section 20 of chapter 161A for sufficient amounts to be available to meet debt service payments or other payments due under financing obligations, including, without limitation, leases, reimbursement obligations, or interest exchange agreements, for which the commonwealth has pledged its credit or contract assistance or is otherwise liable or as to which the authority has covenanted to maintain net cost of service or contract assistance support. Upon such certification, all amounts in the Fund shall be available for expenditure by the authority for any lawful purpose, including without limitation, payment of debt service on debt obligations issued by the authority, and may be pledged to secure debt of the authority in such manner and according to such priority as the authority may determine.

In order to increase the marketability of any bonds or notes of the authority which may be secured by or payable from amounts held in the Fund, the sums to be credited to the Fund as aforesaid are hereby impressed with a trust for the benefit of the authority and the

holders from time to time of any such bonds or notes, and, in consideration of the acceptance of payment for any such bonds or notes, the commonwealth covenants with the purchasers and all subsequent holders and transferees of any such bonds or notes that while any such bond or note shall remain outstanding, and so long as the principal of or interest on any such bond or note shall remain unpaid, the sums to be credited to the Fund as aforesaid shall not be diverted from the purposes identified herein and, so long as such sums are necessary, as determined by the authority in accordance with any applicable trust agreement, bond resolution, or credit enhancement agreement, for the purposes for which they have been pledged, the rates of the excises imposed by said chapters 64H and 64I shall not be reduced below the dedicated sales tax revenue amount or the base revenue amount and the amount to be assessed on cities and towns pursuant to said section 9 of said chapter 161A shall not be reduced below \$136,026,868 per fiscal year.

(b) For purposes of determining the amount to be credited to the Massachusetts Bay Transportation Authority State and Local Contribution Fund established pursuant to subsection (a), the comptroller shall on March 1 of each year beginning on March 1, 2001 certify the base revenue amount for the following fiscal year. On March 15 of each year beginning on March 15, 2001, the comptroller shall, after consultation with and based on projections of the department of revenue, certify whether the dedicated sales tax revenue amount is projected to exceed the base revenue amount for the upcoming fiscal year. If the comptroller certifies that the projected dedicated sales tax revenue amount will be less than the base revenue amount, then the comptroller shall for the following fiscal year credit to the Fund amounts sufficient to meet the base revenue amount. If the comptroller certifies that the projected dedicated sales tax revenue amount will exceed the base revenue amount, then the comptroller shall for the following fiscal year credit to the Fund the sales tax revenue amount. On November 15 of each year beginning on November 15, 2001, the comptroller shall certify whether the dedicated sales tax revenue amount as of that date is projected to exceed the base revenue amount for the current fiscal year. If the comptroller certifies that the dedicated sales tax revenue amount is projected to be less than the base revenue amount, then the comptroller shall credit to the Fund amounts sufficient to meet the base revenue amount for that fiscal year. If the comptroller certifies that the dedicated sales tax revenue amount is greater than the base revenue amount, then the comptroller shall credit to the Fund the dedicated sales tax revenue amount. On April 1 of each year beginning on April 1, 2002, the comptroller shall repeat the certification process required on November 15 and shall credit the appropriate amount to the Fund.

SECTION 24. Said chapter 10 is hereby further amended by striking out section 59, as so appearing, and inserting in place thereof the following section:-

Section 59. There is hereby established on the books of the commonwealth a separate fund known as the Head Injury Treatment Services Trust Fund. Said trust fund shall consist of monies paid to the commonwealth pursuant to sections 20 and 24 of chapter 90 and any interest or investment earnings on such monies. The state treasurer, ex officio, shall be the custodian of said trust fund and shall receive, deposit and invest all monies transmitted to

him under the provisions of this section and shall credit interest and earnings on the trust fund to said trust fund. Funds collected pursuant to said section 24 shall be appropriated for the purpose of developing and maintaining nonresidential rehabilitation services for head injured persons in such a manner as the commissioner of rehabilitation may direct and may be appropriated for residential services as authorized by law. Funds collected pursuant to said section 20 shall be appropriated by means of a revenue retention account, as defined in section 1 of chapter 29, for the purpose of developing and maintaining residential and nonresidential rehabilitation services for head injured persons in such manner as the commissioner of rehabilitation may direct.

SECTION 25. Chapter 13 of the General Laws is hereby amended by inserting after section 11C the following section:-

Section 11D. There shall be within the division of registration a board of registration of dietitians and nutritionists to be appointed by the governor, who in his discretion may seek the advice of the Massachusetts nutrition board, as established under section 181 of chapter 6, to consist of eight members who are citizens of the commonwealth, three of whom shall be licensed dietitians/nutritionists who are registered dietitians with the Commission on Dietetic Registration of the American Dietetic Association, one of whom shall be a licensed dietitian/nutritionist with a baccalaureate degree, one of whom shall be a licensed dietitian/nutritionist with a doctoral degree, one of whom shall be an educator from an accredited nutrition program in Massachusetts, and two of whom shall be consumers who are representatives of the general public. Of the first board appointed by the governor non-public members shall be registered dietitians or nutritionists with seven years of paid professional experience in the practice of dietetics.

Members shall be appointed for a term of three years. No member shall be appointed to more than two consecutive full terms; provided, however, that a member appointed for less than a full term may serve two full terms in addition to such part of a full term, and a former member shall again be eligible for appointment after a lapse of one or more years. Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office after being given a written statement of the charges against him and sufficient opportunity to be heard thereon.

Said board shall elect its chairperson annually and shall meet at the call of such chairperson or upon the request of four or more members of the board. A quorum shall consist of at least five members present. Said chairperson shall only vote on board matters in the case of a tie. Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties. The board shall meet at least four times annually.

SECTION 26. Chapter 14 of the General Laws is hereby amended by adding the following three sections:-

Section 9. There is hereby established a fraudulent claims commission, which shall consist of the commissioner of revenue or his designee, the colonel of the state police or his designee, the commissioner of transitional assistance or his designee and the attorney general

or his designee. Said purpose of said commission shall be to advise the commissioner of revenue with respect to issues surrounding the investigation of fraud under any assistance program administered by the department of transitional assistance and the department of social services. The commissioner of revenue, in consultation with the fraudulent claims commission, shall establish rules and regulations for the investigation of fraud under any assistance program administered by the department of transitional assistance and the department of social services.

Section 10. There shall be in the department of revenue a bureau of special investigations, headed by a director, who shall be appointed by the commissioner of revenue, and who shall be a person of ability and experience and shall devote his entire time to the duties of the office. Said commissioner may appoint such other experts and officers as he deems necessary to carry out the work of the bureau. Appointments to the positions of director, legal counsel and confidential administrative secretary shall not be subject to chapter 31 or section 9A of chapter 30. The director may expend for legal, investigative, clerical and other assistance and expenses such sums as may be appropriated therefor.

Section 11. The director shall initiate investigations and investigate complaints, including complaints initiated by recipients, which indicate the possibility of either a fraudulent claim for payment or services under any assistance program administered by the department of transitional assistance or the department of social services or any other program administered by said departments or the receipt of payment or services by a person not entitled thereto. The director, in conformity with the rules and regulations of the commissioner, shall:

- (1) initiate investigations and review procedures in order to discover any fraudulent claim or wrongful receipt under any assistance program administered by the department of transitional assistance or any program administered by the department of social services;

- (2) examine the records and accounts of the department of transitional assistance, department of social services, the division of industrial accidents, the state retirement board, the department of employment and training and the department of veterans' services and, for such purposes, the director shall have access to such records and accounts at reasonable times and may require the production of books, documents and vouchers relating to any matter within the scope of the investigation;

- (3) examine, upon written request to the commissioner of revenue, the tax wage reports, papers or other documents on file with said commissioner, including information which appears in child support enforcement files maintained by the IV-D agency as set forth in chapter 119A concerning dates and amounts of income received, employer, last known address and other information relevant to the investigation of fraud concerning any person where there is reason to believe that such person has committed fraud under any assistance program administered by the department of transitional assistance or the department of social services, and may require the production of such returns, papers and other documents. Nothing herein shall be construed to authorize the examination or disclosure, directly or

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indirectly, of any information, returns or their records received from the Internal Revenue Service;

(4) examine the records and accounts of any vendor claiming or receiving payment for services rendered under any program administered by the department of transitional assistance or the department of social services insofar as such records and accounts relate to any matter within the scope of such investigation;

(5) examine any information contained on the warrant management system established by section 23A of chapter 276 and receive information from the department of transitional assistance in accordance with clause (e) of the last paragraph of subsection (D) of section 2 of chapter 18;

(6) report to the attorney general, a district attorney, the department of state police, or any of their agents, each case referred to the bureau of special investigations by the department of transitional assistance pursuant to said clause (e), and arrange for a proper place and time for the arrest of an applicant or beneficiary and refer any dependents of the applicant or beneficiary to the department of social services for appropriate action pursuant to chapter 18B and section 23A of chapter 119. The bureau shall not report any information other than the information referred to in this clause or on the warrant management system;

(7) report to the attorney general or a district attorney, for such action as they may deem proper, any case in which, after investigation, he finds there is probable cause to believe that a fraudulent claim or payment has been made;

(8) report in writing to the governor and the general court the nature and extent of his activities for each month of the fiscal year, such report to be made not later than 30 days after the expiration of each month, which report shall be made available to the public;

(9) examine the records and accounts of any person domiciled or doing business in the commonwealth and any state, county or municipal department, agency, office, bureau, board, commission or division which employs or had employed an individual who is the subject matter of an investigation insofar as those records and accounts pertain to dates, hours and nature of employment or services rendered and the amounts of salary, wages, or other things of value paid and deductions therefrom, including information concerning the prior employment history of the individual who is the subject matter of the investigation;

(10) examine the records and accounts of any bank, as defined in section 1 of chapter 167, national bank, federal savings and loan association, benefit association, insurance company, safe deposit company or loan company authorized to do business in the commonwealth relative to individuals who are the subject matter of an investigation insofar as the records and accounts pertain to deposits, withdrawals, loans, insurance transactions, claims settlements and payments;

(11) examine the student records of any school or institution of higher education within the commonwealth relative to a student who is the subject matter of an investigation or the child, ward or dependent of the subject matter of an investigation insofar as those records pertain to enrollment, attendance, and family history but excluding academic, medical, and evaluative records; and

(12) a written request of the director, or of an authorized representative of the director, for examination of information, records or accounts as provided in clauses (4), (9), (10) and (11) shall be complied with within a reasonable period of time.

SECTION 27. The first paragraph of section 1E of chapter 15 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:- No person shall be appointed to serve more than two full terms, provided, however, that only service on or after July 1, 1996 shall be counted for this purpose.

SECTION 28. Section 54 of chapter 15 of the General Laws is hereby amended by striking out subsection (j), as so appearing, and inserting in place thereof the following subsection:-

(j) The board shall establish an office of school readiness which shall be responsible for developing program standards for early childhood programs operated by school districts, excluding any subcontractors that are not school districts, and teacher certification standards for those early childhood teachers who are required to receive such certification. The office may, pursuant to this section, provide technical assistance to other providers of early care and education services. The office shall be responsible for the administration of all department early childhood programs for children from birth through age six. It shall be the mission of the office to work in conjunction with the office for child care services, and such other state agencies as may be appropriate, to develop a statewide system of early childhood programs that promotes school readiness, early literacy and academic success for all Massachusetts children entering primary education. The office may submit legislative and budgetary recommendations to the commissioner, the clerk of the house of representatives and the clerk of the senate, and the house and senate committees on ways and means which it deems necessary to promote school readiness or improve the delivery of early education in the commonwealth.

SECTION 29. Section 9 of chapter 15A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Whenever a public institution of higher education in the commonwealth requests a tuition rate and charges reduction for residents of bordering states, the board may approve such tuition reduction to not less than one-and-one-half times the resident tuition rate. Prior to the approval of any such tuition adjustment, the board shall promulgate regulations based upon an evaluation that yields the following conclusions: such institution is below enrollment capacity and the projected cost to the commonwealth of such tuition reduction would be minimal when taking into account projected enrollment growth associated with such adjustment. Not less than 30 days prior to the promulgation of such regulations, the board shall report the findings of such evaluation, including a fiscal impact analysis, to the house and senate committees on ways and means and the joint committee on education, arts and humanities. The board shall seek reciprocal arrangements from bordering states where no such tuition reduction is available for Massachusetts residents.

SECTION 30. Section 19 of said chapter 15A, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, the board of higher education shall provide full tuition waivers at each community college for students who are clients of and who meet the eligibility requirements of the Massachusetts rehabilitation commission or the Massachusetts commission for the blind.

SECTION 31. Section 2 of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in line 156, the words "fifteen D of chapter twenty-two" and inserting in place thereof the following words:- 11 of chapter 14.

SECTION 32. Section 29 of said chapter 18, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "fifteen D of chapter twenty-two" and inserting in place thereof the following words:- 11 of chapter 14.

SECTION 33. Section 15D of chapter 22 of the General Laws is hereby repealed.

SECTION 34. Section 3 of chapter 23B of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 127, the word "elderly." and inserting in place thereof the following words:-elderly;

(v) adopt a qualified allocation plan and regulations pursuant thereto for the federal low-income housing tax credit as provided for in Section 42 of the Internal Revenue Code as amended and in effect for the taxable year, and the Massachusetts low-income housing tax credit as established under section 6I of chapter 62 and section 31H of chapter 63. Such plan may give preference to qualified Massachusetts projects which serve the lowest income tenants at rents affordable to those tenants and which are obligated to serve qualified tenants for the longest period.

SECTION 35. Section 24B of chapter 23B of the General Laws, as so appearing, is hereby amended by inserting after the word "government", in line 5, the following words:- or homeowners who are eligible for one and two household fuel assistance program, so-called.

SECTION 36. Said section 24B of said chapter 23B, as so appearing, is hereby further amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) the department shall use the same grantee agencies, similar applications and similar verification procedures as are used in the Low Income Home Energy Assistance Program, to the maximum extent possible. The department may also utilize a reasonable percentage of any funds appropriated, not exceeding 10 per cent of such funds, for administrative costs of the program.

SECTION 37. Section 10 of chapter 28A of the General Laws, as so appearing, is hereby amended by striking out the words "including, but not limited to, reports by placement agencies detailing the number and nature, as defined by the department of social services, of adoptions processed during each calendar quarter to be filed with said department on or before January 30 of each year", inserted by section 1 of chapter 3 of the acts of 1999,

and inserting in place thereof the following words:- including, but not limited to, reports by placement agencies detailing the number and nature, as defined jointly by the University of Massachusetts center for adoption research and policy in the city of Worcester and the department of social services, of adoptions processed during each calendar quarter to be filed with the center on or before January 30 of each year.

SECTION 38. Section 2C½ of chapter 29 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 13, the words "Forty percent" and inserting in place thereof the following words:- 32 per cent.

SECTION 39. The first paragraph of section 2H of chapter 29 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The determination by the general court to transfer and appropriate for any such purpose shall be made, after a hearing before the joint committee on ways and means and a comprehensive analysis of alternative legislative action and revenue sources, upon a finding that the transfer and appropriation will not adversely affect the overall fiscal health of the commonwealth, taking into account indicators of future economic performance and conditions affecting state revenues.

SECTION 40. Section 2BB of said chapter 29 is hereby repealed.

SECTION 41. Section 2RR of said chapter 29, as appearing in the 1998 Official Edition, is hereby amended by adding the following subsection:-

(e) Documentary materials or data made or received by an employee of the division of employment and training, to the extent that such materials or data consist of trade secrets or commercial or financial information regarding the operation of a business conducted by an applicant for a grant from the fund established by this section, shall not be public records and shall not be subject to section 10 of chapter 66.

SECTION 42. Said chapter 29 is hereby further amended by inserting after section 2WW, inserted by section 3 of chapter 3 of the acts of 1999, the following section:-

Section 2XX. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Tobacco Settlement Fund. There shall be credited to said fund: (a) for fiscal years 2000 to 2004, inclusive, all amounts designated in the schedule of payments contained in paragraph (c) of section 3 of chapter 29D of the General Laws, as so adjusted by said section 3; (b) 30 per cent of all payments received by the commonwealth each year pursuant to the master settlement agreement in the action known as Commonwealth of Massachusetts v. Philip Morris, Inc., et al., Middlesex Superior Court, No. 95-7378; (c) 30 per cent of the earnings generated each year from the Health Care Security Trust as certified by the comptroller pursuant to paragraph (f) section 3 of said chapter 29D of the General Laws; (d) 30 per cent of any monies generated by any other claim or action undertaken by the attorney general against a manufacturer of cigarettes to recover the amount of medical assistance provided pursuant to chapter 118E or any other claim or action undertaken by the attorney general against a manufacturer of cigarettes; (e) any federal reimbursements received pursuant to Title XIX and Title XXI of the Social Security Act, or a successor statute, as a result of expenditures made from said fund; (f) any fees, premiums,

co-payments, assessments or other revenues collected as a result of the operation of programs funded by expenditures from said fund; (g) any appropriation, grant, gift or other contribution explicitly made to said fund; and (h) any income derived from the investment of amounts credited to said fund.

(b) Amounts credited to said fund shall be expended, subject to appropriation, to supplement existing levels of funding for the purpose of funding health related services and programs including, but not limited to, services and programs intended to control or reduce the use of tobacco in the commonwealth. Amounts credited to said fund shall not be used to supplant or replace other health related or nonhealth related expenditures or obligations of the commonwealth.

(c) In conjunction with the preparation of the commonwealth's comprehensive annual financial report, the comptroller shall prepare and issue an annual report detailing the revenues and expenditures of said fund.

SECTION 43. The General Laws are hereby further amended by inserting after chapter 29C the following chapter:-

CHAPTER 29D.

THE HEALTH CARE SECURITY TRUST.

Section 1. There is hereby established upon the books of the commonwealth a trust to be known as the Health Care Security Trust upon which shall be impressed the purpose of financing improved health status for all citizens of the commonwealth. Said trust is hereby charged with managing and investing all monies generated by any claim or action undertaken by the attorney general against a manufacturer of cigarettes to recover the amount of medical assistance provided pursuant to chapter 118E or any other claim or action undertaken by the attorney general against a manufacturer of cigarettes including, but not limited to, the action known as Commonwealth of Massachusetts v. Philip Morris, Inc., et al., Middlesex Superior Court, No. 95-7378, hereinafter known as the tobacco action. The monies so managed and invested are hereby covenanted to generate earnings, and to be used as provided herein, for the exclusive purpose of funding health related services and programs, including, but not limited to, services and programs intended to control or reduce the use of tobacco in the commonwealth. For purposes of this chapter, the Tobacco Settlement Fund shall mean the fund established pursuant to section 2XX of chapter 29.

Section 2. (a) The trust fund shall be managed by the board of trustees established in section 4. All transactions affecting said trust fund including, but not limited to, all amounts credited to and all expenditures, transfers or allocations made from the trust fund, shall be recorded by subsidiary on the Massachusetts management accounting and reporting system.

(b) Said trust fund shall be classified by the comptroller as a nonbudgeted fund of the commonwealth. Amounts credited to said trust fund, including both principal and earnings, shall not be subject to the calculation of the consolidated net surplus pursuant to sections 2H and 5C of chapter 29.

Section 3. (a) The trust shall have the fiduciary responsibility to manage the trust fund into which shall be credited (i) any monies received by the commonwealth pursuant to the master settlement agreement in the tobacco action, other than payments for attorneys fees; (ii) 70 per cent of any monies generated by any other claim or action undertaken by the attorney general against a manufacturer of cigarettes to recover the amount of medical assistance provided pursuant to chapter 118E or any other claim or action undertaken by the attorney general against a manufacturer of cigarettes; (iii) any appropriation, grant, gift or other contribution explicitly made to said trust fund; and (iv) any income derived from the investment of amounts credited to said trust fund.

(b) Of the appropriations made by the general court from the Tobacco Settlement Fund, 25 per cent shall be dedicated to the purposes of tobacco control.

(c) The comptroller shall promptly certify to the fiscal affairs division, the house and senate committees on ways and means, the joint committee on health care and the advisory committee on health care and tobacco control established pursuant to section 5, the amount and date when any payments are made pursuant to the master settlement agreement in the tobacco action and any other payments are made or credited to said fund. In fiscal years 2000 to 2004, inclusive, the comptroller shall transfer sums from the Health Care Security Trust Fund to the Tobacco Settlement Fund in accordance with the following schedule: in fiscal year 2000, the sum of \$91.2 million; in fiscal year 2001, the sum of \$94 million; in fiscal year 2002, the sum of \$96 million; in fiscal year 2003, the sum of \$98 million; and in fiscal year 2004, the sum of \$100 million.

In fiscal year 2005 and thereafter, the comptroller shall transfer 30 per cent of the total of all annual payments made pursuant to the master settlement agreement in the tobacco action and received in that fiscal year from the Health Care Security Trust Fund to the Tobacco Settlement Fund; provided that amounts received in any fiscal year as strategic contribution fund payments, pursuant to the master settlement agreement, shall not be transferred to the Tobacco Settlement Fund. The comptroller shall adjust the amounts of all such transfers made pursuant to the foregoing schedule and applicable to all payments made thereafter by applying to such payments the adjustment factors established in the master settlement agreement in the tobacco action, as verified by and in consultation with the attorney general.

(d) The comptroller shall make all such transfers authorized in this section periodically over the course of the applicable fiscal year as he deems necessary to meet expenditures from said Tobacco Settlement Fund, but the total of all such transfers shall not be less than the amounts authorized for transfer herein.

(e) Notwithstanding the foregoing, upon receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action, the comptroller shall transfer the entire fiscal year 2000 scheduled amount of \$91.2 million, as adjusted pursuant to the provisions of paragraph (c), from the Health Care Security Trust Fund to the Tobacco Settlement Fund, which shall be immediately available for expenditure. All further payments made pursuant to the master settlement agreement in the tobacco action received in fiscal year 2000 shall remain in the Health Care Security Trust Fund.

(f) Not later than October 31 of each year, the comptroller shall certify to the trustees, the fiscal affairs division, the house and senate committees on ways and means, the joint committee on health care and the advisory committee on health care and tobacco control the balance in the Tobacco Settlement Fund, the balance in the Health Care Security Trust Fund and the amount of earnings generated by the principal of said trust fund during the prior 12 month period ending on September 30. On or before July 1 of each year, but not before July 1, 2001, the comptroller shall transfer 30 per cent of said earnings, as so certified by the comptroller in the previous October, from the Health Care Security Trust to the Tobacco Settlement Fund, which shall be available for expenditure.

(g) Appropriations made by the general court for the purpose of this chapter, and pursuant to the Tobacco Settlement Fund, that remain unexpended at the end of a fiscal year shall be credited to the health related fund from which any such appropriation was made and shall not revert to the general fund.

(h) Nothing in this chapter shall obligate the commonwealth to disburse any funds from said trust in excess of any monies received by the trust pursuant to section 1.

Section 4. (a) The trust shall be managed by a board to be known as the Health Care Security Trust board of trustees, which shall have general supervision of the investment and reinvestment of said trust. The duties and obligations of said board shall be set forth in a declaration of trust to be adopted by the board. Said declaration of trust and any amendments thereto shall be filed with the general court but if the general court takes no final action relative thereto within 60 days of the date of the filing thereof with the clerk of the house of representatives and the clerk of the senate, the declaration or amendments thereto shall be deemed to be approved.

(b) The trustees shall discharge their duties for the primary purpose of enhancing the value of the trust and shall act with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims and by diversifying the investments of the trust so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so. When investing the monies comprising said trust fund, the trustees shall not be bound by the provisions of section 38 of chapter 29.

(c) Any appropriation by the general court of monies transferred by the comptroller from the trust to the Tobacco Settlement Fund pursuant to section 3 shall be used for health related purposes, including tobacco control, and shall not be used to supplant or replace other health related or nonhealth related expenditures or obligations of the commonwealth.

(d) Said board of trustees shall consist of seven trustees, five of whom shall be appointed by the governor, one of whom shall be appointed by the state treasurer and one of whom shall be appointed by the attorney general. The trustees shall be experienced in the field of investment, financial management, law and public management. The initial terms of three of the trustees appointed by the governor, and the trustees appointed by the state treasurer and the attorney general shall be for five years and the initial terms of the remaining

appointees of the governor shall be for seven years. All subsequent appointments, including reappointments, shall be for terms of five years. Any vacancy that may occur before the expiration of the term of a trustee, shall be filled by an appointment made jointly by the governor, the state treasurer and the attorney general. Trustees shall be eligible for reappointment.

(e) A trustee shall disclose in advance to the board any interest or involvement in any matter that is before the board. The disclosure shall be contemporaneously recorded in the minutes of the board. A trustee having such an interest or involvement shall not participate in any such matter.

(f) The board shall select an executive director who shall serve at the pleasure of the board. The provisions of sections 9A, 45, 46 and 46C of chapter 30, chapter 31 and chapter 150E shall not apply to the executive director or any other employees of the board. The executive director shall, with the approval of the board: (i) plan, direct, coordinate and execute administrative and investment functions in conformity with the policies and directives of the board; (ii) employ professional and clerical staff as necessary; (iii) report to the board on all operations under his control and supervision; (iv) prepare an annual budget and manage the administrative expenses of the trust; and (v) undertake any other activities necessary to implement the powers and duties set forth herein.

(g) In addition to the other powers and duties defined in this chapter, the board shall approve or ratify decisions of the executive director, formulate policies and procedures deemed necessary and appropriate to carry out the purposes of the trust, maintain a record of its proceedings and undertake any other activities necessary to implement the duties and powers set forth herein.

(h) The board shall adopt an annual budget and supplemental budgets as the board deems necessary subject to the approval of the general court. If the general court take no final action to disapprove any such budget within 60 days of its filing with the clerk of the house of representatives and the clerk of the senate, such budget shall be deemed to be approved. If the general court disapproves any such budget within such 60 days, the board shall operate under the annualized budgetary level most recently approved pending the filing and subsequent approval of any other such annual or supplemental request.

(i) The board shall invest and reinvest amounts received by the trust in the Health Care Security Fund. The executive director may invest and reinvest such funds held by the trust, subject to the approval or ratification of the board by a vote of 5 of the 7 trustees, and the board may, subject to such a vote of 5 of 7 trustees, (1) employ any qualified bank, trust company, corporation, firm or person, including the Pension Reserves Investment Trust Fund, to make any or all of such investments, to manage the funds or to advise it on investments, and (2) if appropriate under the circumstances, utilize existing resources and staff of the state treasurer or the Pension Reserves Investment Management board to carry out its mission.

The expenses of any such qualified bank, trust company or other party compensated

to manage the trust fund shall not exceed the rate or fee paid by the pension reserves investment management board for advice and management relative to the Pension Reserves Investment Trust Fund established pursuant to subsection (8) of section 22 of chapter 32.

(j) Notwithstanding the provisions of any general or special law to the contrary, no monies comprising the Health Care Security Trust Fund shall be invested in stocks, securities, or other obligations of any company which manufactures or distributes tobacco products.

(k) The board shall prepare quarterly statements on or before March 1, June 1, September 1 and December 1 of each year, to be filed with the fiscal affairs division, the house and senate committees on ways and means, the joint committee on health care and the advisory committee on health care and tobacco control established by section 5. The statements shall: (i) summarize the performance results of the trust's investments for the quarter and year-to-date; (ii) provide a summary investment portfolio analysis describing the holdings of the trust fund; (iii) identify fees and other costs incurred in employing investment consultants, fund managers and other parties compensated for managing or advising the board; (iv) provide a budget status report detailing expenses by month; and (v) provide any information relating to the status and estimated amount of the next payment made pursuant to the master settlement agreement in the tobacco action, or any other such payment.

(l) All records of the trust, including the transactions of the trust fund, shall be a public record as defined in clause Twenty-sixth of section 7 of chapter 4.

(m) In any civil action brought against a trustee or employee of the Health Care Security Trust, acting within the scope of his official duties, the defense or settlement of which is made by the attorney general or by an attorney employed by said board, such trustee or employee shall be indemnified for all expenses incurred in the defense thereof and shall be indemnified for damages to the same extent as provided for public employees in chapter 258. No trustee or employee shall be indemnified for expenses in an action or damages awarded in such action in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by such trustee or employee.

Section 5. (a) There is hereby established the advisory committee on health care and tobacco control which shall recommend to the governor and the general court the most effective and prudent uses of the funds available in said trust for financing the present and future health related and tobacco control needs of the commonwealth.

(b) Said committee shall consist of 29 members, one of whom shall be the secretary of administration and finance, or his designee, who shall be a nonvoting member, one of whom shall be the secretary of health and human services, or his designee, who shall be a nonvoting member, and 13 of whom shall be appointed by the governor, one of whom shall be a representative of the Massachusetts Municipal Association, one of whom shall be a representative of the Massachusetts Association of Health Maintenance Organizations, one of whom shall be a member of the American Cancer Society, one of whom shall be a member of the Massachusetts Medical Society, one of whom shall be a private citizen who shall be a member of a chamber of commerce located within the commonwealth, one of whom shall be a member of the Massachusetts Senior Action Council, one of whom shall

be a member of the Massachusetts Public Health Association, one of whom shall be a member of the Massachusetts Hospital Association, one of whom shall be a member of the Massachusetts Extended Care Federation, one of whom shall be a private citizen who shall be a health care economist, one of whom shall be a children's advocate, one of whom shall be a member from an organization concerned with health care needs specific to the minority community and one of whom shall be a member of the Massachusetts Dental Society, and 14 members appointed by the attorney general, one of whom shall be a member of the tobacco control resource center, one of whom shall be a member of the American Lung Association, one of whom shall be a member of the Massachusetts Association of Health Boards, one of whom shall be a member of the Massachusetts League of Community Health Centers, one of whom shall be a member of Health Care for All, one of whom shall be a private citizen who is a survivor of a tobacco-related illness or has a family member that has suffered from a tobacco-related illness, one of whom shall be a member of the American Association of Retired Persons, one of whom shall be a private citizen with expertise in health care finance, one of whom shall be a dean from a school of public health located within the commonwealth, one of whom shall be a member of the Massachusetts Nurses' Association; one of whom shall be a member of the Massachusetts chapter of the American Academy of Pediatrics; one of whom shall be a member of the Asthma and Allergy Foundation of America, New England chapter; one of whom shall be a member of the American Heart Association; and one of whom shall be a representative of a public or private institution with expertise in tobacco cessation and control. In the event that an organization, association or other entity or successor organization, association or other entity named herein ceases to exist, the governor and the attorney general shall agree on a comparable replacement appointee. All appointments shall be for terms of three years except that the initial appointment of six members, including three members appointed by the governor and three members appointed by the attorney general, shall be for terms of two years and the initial appointments of six members, including three members appointed by the governor and three members appointed by the attorney general, shall be for terms of one year.

(c) Said commission shall adopt by-laws governing its proceedings and the procedures for developing its spending plan recommendations. Any such recommendations submitted to the governor and the general court shall be adopted by a two-thirds vote. The secretaries of administration and finance and health and human services shall assign employees of the line agencies under their jurisdiction to assist said commission with its duties. Said commission may request additional staff, consultants or other expenditures in fulfillment of its duties, including third party consultants, actuaries or health care specialists, which shall be made available subject to appropriation.

(d) Said commission shall meet not less than quarterly between the months of January and September, inclusive. Upon receiving in October the comptroller's certification of the amount available for appropriation in the following fiscal year, the commission may meet as often as necessary to develop and submit its spending recommendations not later than the second Wednesday in December. Said spending recommendation shall be filed with

the office of the governor, the fiscal affairs division, the house and senate committees on ways and means, the joint committee on health care and with the clerk of the house of representatives and the clerk of the senate.

(e) Said commission shall not make spending recommendations for the subsequent fiscal year in excess of the amount available for expenditure pursuant to subsections (c) and (e) of section 3. Said recommendations shall include a projection of any future costs, annualization and savings resulting from said spending recommendations. Said recommendations shall not be predicated upon unexpended amounts from the current fiscal year being automatically made available for re-appropriation for the same purpose in the subsequent fiscal year, but nothing contained herein shall preclude the commission from making a recommendation to re-appropriate said unexpended amounts for the same or any other purpose authorized by this chapter.

(f) Said commission shall give priority to the funding of annualization for programs and services obligated in prior fiscal years before recommending funding for the expansion of services or the provision of new services. No programs or services recommended by said commission shall establish any entitlement to benefits or services without identifying funding sources sufficient to meet the costs of such entitlements in future years. Said spending recommendations shall be based, to the extent feasible and appropriate, upon an evaluation of scientific data and research that establishes the basis for a cost-benefit analysis of funding needs and identifies the extent to which said recommendation meet the universe of unmet or underserved health-related needs.

(g) Said commission shall monitor the performance and effectiveness of all programs funded by earnings of the trust and shall undertake a sunset review, so-called, of any such program or service not achieving performance expectations. Said commission shall monitor the extent to which funding from the trust complements or expands upon previously implemented health related programs and services and whether such funding has been used to supplant or replace previously obligated health related and tobacco control appropriations.

(h) Beginning on the first Wednesday of October, 2003, and every three years thereafter, said commission shall conduct a review to evaluate: (1) the present and future health needs of the citizens of the commonwealth; (2) the financial stability of the trust in light of the return on investment and any adjustment factors or other factors affecting the future stream of payments from the tobacco settlement, based upon recommendations by the board of trustees of said trust; (3) whether, and to what extent, the present health needs of the commonwealth, when balanced against future needs, warrant recommending a change in the allocation of monies between the trust and the Tobacco Settlement Fund; and (4) the merits of all existing programs funded by the Tobacco Settlement Fund. After such review, the commission shall prepare a report with its recommendations and shall file said report with the office of the governor, the fiscal affairs division, the house and senate committees on ways and means, the joint committee on health care and with the clerk of the house of representatives and the clerk of the senate.

SECTION 44. Section 2 of chapter 30B of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "thereof", in line 21, the following words:- , or for abolished counties, an individual duly appointed by a sheriff to procure all supplies and services for the office of a sheriff.

SECTION 45. Said section 2 of said chapter 30B, as so appearing, is hereby further amended by inserting after the word "county", in line 42, the following words:- , or, in the case of abolished counties, office of a sheriff.

SECTION 46. Said section 2 of said chapter 30B, as so appearing, is hereby further amended by striking out, in line 43, the words "or county." and inserting in place thereof the following words:- , county, or in the case of abolished counties, office of a sheriff.

SECTION 47. Subdivision (1) of section 4 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after paragraph (g) the following paragraph:-
(g½) The period or periods during which any member in service of the teachers' retirement system or teacher employed by the city of Boston was on unpaid leave of absence or resigned prior to 1975 for the purposes of maternity leave from the governmental unit in which the member was employed shall be allowed as creditable service, on a proportionate basis which the board shall determine according to rules and regulations adopted by the board and approved by the commission, but no credit shall be allowed until such member has paid into the annuity savings fund of the system before any retirement allowance becomes effective for such member, in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount that is equal to the regular deductions that would have been withheld from the member's regular compensation had the member continued in service on the same terms and conditions as immediately before said leave, plus regular interest. No credit shall be allowed and no payment shall be accepted under this paragraph until the member shall have completed ten or more years of membership service. The maximum creditable service allowable under this paragraph for any member shall not exceed four years.

SECTION 48. Said subdivision (1) of said section 4 of said chapter 32, as so appearing, is hereby further amended by inserting after paragraph (h) the following paragraph:-
(h½) Any member in service of the teachers' retirement system or teacher employed by the city of Boston who is employed in a vocational technical school approved by the department of education under chapter 74 may receive creditable service for any period or periods of work experience in the occupational field in which the member teaches, and which was required as a condition of the member's employment pursuant to regulations of the department of education, on a proportionate basis which the board shall determine according to rules and regulations adopted by the board and approved by the commission. No credit shall be allowed under this paragraph until such member has paid into the annuity savings fund of the system before any retirement allowance becomes effective for such member, in one sum or in installments, upon such terms and conditions as the board may prescribe, an amount that is equal to the regular deductions that would have been withheld from the member's regular compensation had the member been a member of the teachers' retirement system or teacher employed by the city of Boston immediately prior to the start of his service,

plus regular interest. No credit shall be allowed and no payment shall be accepted under this paragraph until the member shall have completed ten or more years of membership service. The maximum creditable service allowable under this paragraph for any member shall not exceed four years.

SECTION 49. Subdivision (1) of section 22 of said chapter 32, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) The treasurer or other disbursing officer in charge of payroll in any governmental unit to which a system pertains, and the treasurer or other disbursing officer in charge of payrolls in any free public library the employees of which are eligible for membership in a system, shall, upon written notice from the board, withhold on each pay day 5 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered to him on or after January 1, 1946, and not later than the date of his attaining the maximum age for his group, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof prior to January 1, 1975; withhold on each pay day 7 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered by him on or after January 1, 1975, and not later than the date of his attaining the maximum age for his group, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after January 1, 1975, but prior to January 1, 1984; and withhold on each pay day 8 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered by him on or after January 1, 1984, and not later than the date of his attaining the maximum age for his group in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after January 1, 1984, but before July 1, 1996; and withhold on each pay day 9 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered by him on or after July 1, 1996, and not later than the date of his attaining the maximum age for his group in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after July 1, 1996; and withhold on each pay day 12 per cent of the regular compensation of each employee who is a member of the state police appointed pursuant to section 10 of chapter 22C, and is a member in service of the system, which is received on such a day by the member on account of service rendered by him on or after July 1, 1996, and not later than the date of his attaining the maximum age for his group in the case of the employee who entered the service of the state police on or after July 1, 1996; and withhold on each pay day 11 per cent of the regular compensation of each employee who participates in the alternative superannuation retirement benefit established under section 104 of chapter 32; but in the case of any teacher the withholding shall be made upon written notice from the school committee or board of trustees or other employing authority, to the treasurer or other disbursing officer of the political subdivision by which the

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teacher is employed.

SECTION 50. Paragraph (b½) of said subdivision (1) of said section 22 of said chapter 32, as so appearing, is hereby amended by adding the following sentence:- The additional contributions required under this paragraph shall not apply to any employee who participates in the alternative superannuation retirement benefit program established in section 104.

SECTION 51. Section 103 of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:-

(i) Notwithstanding the provisions of paragraph (c) to the contrary, the board of any system may, by accepting the provisions of this as hereinafter provided, elect annually to pay a cost-of-living increase greater than the percentage increase, as recommended in the report prepared in accordance with paragraph (f) of subdivision (3) of section 21 for that year, but not greater than 3 per cent. The board shall conduct such election in a public meeting, properly posted, called specifically for such election. The board shall also notify each legislative body at least 30 days before such election.

Acceptance of this subsection shall be by a majority vote of the board of such system, subject to the approval of the legislative body. For the purpose of this section, "legislative body" shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body. Acceptance of this subsection shall be deemed to have occurred upon the filing of the certification of such vote with the commission. A decision to accept the provisions of this subsection may not be revoked.

SECTION 52. Said chapter 32 is hereby further amended by adding the following section:-

Section 104. (1) Notwithstanding the provisions of this chapter or any other general or special law to the contrary, there is hereby established an alternative superannuation retirement benefit program for teachers who meet the requirements of membership for the teachers' retirement system and teachers employed by the city of Boston. Participation in said program shall be mandatory for all new teachers hired after the effective date of this act and for those teachers who have not vested in their retirement system as of the effective date of this act. Any nonvested member hired prior to the effective date of this act required to pay additional contributions with less than 25 years of creditable service upon retirement shall be reimbursed such additional contributions plus regular interest as determined by the teachers' retirement board. Any member of the teachers' retirement system or any teacher employed by the city of Boston who has at least ten years of service may elect to participate in the alternative superannuation retirement benefit program. Said election shall occur within 180 days of the effective date of this act and shall be irrevocable. Any member who elects to participate shall be required to make a minimum of three years of retirement contributions at the rate of 11 per cent. If a member chooses to retire before he has made three years of contributions at 11 per cent, he may elect to make the equivalent of three years retirement

contributions in one sum or in installments in accordance with a schedule established by the board but any schedule permitting an acceleration of contributions shall be consistent with the plan qualification requirements of the Internal Revenue Code and shall, where necessary to meet the requirements of the Internal Revenue Code, provide for an actuarial reduction of benefits by the actuary appointed by the public employee retirement administration commission in accordance with the provisions of section 21.

(2) The normal yearly amount of the retirement allowance for an eligible employee who has completed at least 25 years of creditable service and has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2) of section 5 shall be based on the average annual rate of regular compensation as determined under paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by 2 per cent per year for each full year upon completion of 25 years of creditable service. For any member who retires before completing 25 years of service, the member shall receive a retirement allowance equal to the retirement allowance that he would have been eligible for had he not participated in the alternative superannuation retirement benefit program.

The total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of this section, of any employee who retires and receives an additional benefit under the alternative superannuation retirement benefit program shall not exceed four-fifths of the average annual rate of his regular compensation received during any period of three consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater.

SECTION 53. The General Laws are hereby amended by inserting after chapter 34A the following chapter:-

CHAPTER 34B.

ABOLITION OF COUNTY GOVERNMENT.

Section 1. The government of each of the following counties, in this chapter called an "abolished county" is hereby abolished as of the following date, in this chapter called the "transfer date", or on such earlier date 30 days after the commissioner of revenue certifies in writing that the county has failed to make a required payment on an outstanding bond or note: (a) Middlesex county, as of July 11, 1997; (b) Hampden and Worcester counties, as of July 1, 1998; (c) Hampshire county, as of January 1, 1999; provided, however, that all functions, duties and responsibilities for the operation and management of the jail, house of correction and registry of deeds of Hampshire county and all duties and responsibilities for operation and management of property occupied primarily by the sheriff, registry of deeds and the trial courts in Hampshire county are hereby transferred to the commonwealth, effective September 1, 1998, subject to the provisions of this chapter; (d) Essex county as

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of July 1, 1999; and (e) Berkshire county on July 1, 2000, but all functions, duties and responsibilities for the operation and management of the registries of deeds of Suffolk and Berkshire counties and all duties and responsibilities for the operation and management of property occupied primarily by the registries of deeds in Berkshire and Suffolk counties are hereby transferred to the commonwealth, effective on July 1, 1999, subject to the provisions of this chapter.

Section 2. Notwithstanding the provisions of any general or special law to the contrary, the government of each abolished county, except the office of county treasurer, is hereby abolished as of the transfer date for all purposes, including, but not limited to, the purposes established pursuant to chapters 34, 34A, 35 and 36 or as otherwise authorized by this chapter. The office of an abolished county's treasurer shall expire on December 31, 2002. Nothing in this chapter shall affect the existing county boundaries.

Section 3. Notwithstanding the provisions of any general or special law to the contrary, the terms of an abolished county's commissioners shall expire upon the transfer date. There shall be no increase in the salaries of any abolished county's elected officials, prior to the transfer of the abolished county to the commonwealth. An abolished county's advisory board shall be eliminated upon the transfer date.

Section 4. Notwithstanding the provisions of any general or special law to the contrary, all functions, duties and responsibilities of an abolished county pursuant to this chapter including, but not limited to, the operation and management of the county jail and house of correction, the registry of deeds and the courthouses are hereby transferred from said county to the commonwealth on the transfer date or, in the case of Hampshire county, September 1, 1998, or, in the case of the Suffolk and Berkshire counties' registries of deeds, on July 1, 1999, subject to the provisions of this chapter.

All persons employed by the former Franklin county or by an abolished county, or by Hampshire county as of September 1, 1998, whose work functions primarily concern the operation and maintenance of said county's court facilities shall be transferred to the commonwealth under the administrative office of the trial court as of the effective date of the transfer, which in the case of Hampshire county shall be September 1, 1998, in the manner provided in section 21 of chapter 203 of the acts of 1988, and with no impairment of employment rights held immediately before transfer, without interruption of service, without loss of earned vacation and sick time, without reduction in compensation or salary grade, and without impairment of seniority, retirement or other rights of employees. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the transfer. Said employees shall be reclassified as state employees for the fiscal year in which their transfer is effective, and shall be compensated from funds appropriated to the trial court.

Section 5. All valid liabilities and debts of an abolished county which are in force immediately before the transfer date shall be obligations of the commonwealth as of the transfer date, except as may be otherwise provided in this chapter. All assets, including revenue received pursuant to chapter 64D and such other revenue said county receives as of

immediately before the transfer date shall become assets and revenue of the commonwealth, except as otherwise provided in this chapter.

All valid liabilities and debts of the Suffolk and Berkshire counties' registries of deeds which are in force immediately before July 1, 1999 shall be obligations of the commonwealth on July 1, 1999 except as may be otherwise provided in this chapter. All assets of said registries, including revenue received pursuant to paragraph (2) of section 12 of chapter 64D, and such other revenues received as of immediately before July 1, 1999, shall become assets and revenues of the commonwealth except as otherwise provided in this chapter.

The registries of deeds in Berkshire county shall, until the transfer date of Berkshire county pursuant to section 1, forward to the county commissioners in Berkshire county the deeds revenues that are necessary for the continued operation of Berkshire county government as certified by the county government finance review board; provided, however, that the secretary of administration and finance shall first certify that the commonwealth shall collect and retain sufficient revenue during fiscal year 2000 to fully fund the operations of said registries of deeds.

Section 6. Notwithstanding the provisions of any general or special law to the contrary, all rights, title and interest in real and personal property owned or held by an abolished county immediately before the transfer date, or owned or held by the Suffolk and Berkshire counties' registries of deeds immediately before July 1, 1999, or, in Hampshire county, immediately before the date of transfer of certain Hampshire county functions and properties pursuant to section 1, including without limitation, all courthouses, registries of deeds, registries of probate, and all other county buildings, and the land on which they are situated and any parking facilities, fixtures and improvements located thereon or appurtenant thereto, shall be transferred to the commonwealth as of the transfer date, or on July 1, 1999 for the Suffolk and Berkshire counties' registries of deeds, except as otherwise provided in this chapter. Such transfer and all buildings, lands, parking facilities, fixtures and improvements shall be subject to the provisions of chapter 7 and the jurisdiction of the commissioner of capital asset management and maintenance as provided therein, except as otherwise provided in this chapter; and provided, however, that the buildings and land of the county courthouses so transferred shall be controlled by said commissioner on behalf of the commonwealth and shall be operated and maintained by the office of the chief justice for administration and management of the trial court subject to the general superintendence of the supreme judicial court.

The transfer under this section shall be effective and shall bind all persons, with or without notice, without any further action or documentation. Without derogating from the foregoing, the commissioner of capital asset management and maintenance may, from time to time, execute and record and file for registration with any registry of deeds or the land court, a certificate confirming the commonwealth's ownership of any interest in real property formerly held by an abolished county pursuant to the provisions of this section.

The Hampshire council of governments is hereby authorized to retain the following property: the historic courthouse at 99 Main street in the city of Northampton, the Hampshire Care nursing facility on River Road in Leeds, and the land on which they are situated as currently platted, and the fixtures and improvements located thereon; provided, however, that the commonwealth shall assign no fewer than ten parking spaces in the Gothic Street Parking lot to the Hampshire council of governments, to be distributed at the discretion of the Hampshire council of governments; and provided, further, that in the event that said council has an aggregate equalized valuation as certified by the commissioner of revenue pursuant to section 10 of chapter 58, as of January 1, 1996, of less than 30 per cent of the total equalized valuation of municipalities in the county on such date, said property shall revert to the commonwealth. Said council shall, in consultation with the chief justice for administration and management of the trial court and the commissioner of the division of asset management and maintenance, provide for the lease or rental of space in the historic courthouse now occupied by the law library for use and occupancy of the trial court law library for a period of 99 years at nominal cost, and shall allow the trial court to schedule use of the court room to the extent needed by said court up to two times the number of days used by the trial court in fiscal year 1998; and provided further that any lease agreement shall be subject to the approval of the commissioner of the division of asset management and maintenance.

Section 7. All valid leases and contracts of an abolished county which are in force immediately before the transfer date shall be obligations of the commonwealth as of the transfer date and the commonwealth shall have authority to exercise all rights and enjoy all interests conferred upon the county by said leases and contracts except as may be otherwise provided in this chapter.

All valid leases and contracts of the Suffolk and Berkshire counties' registries of deeds which are in force immediately before July 1, 1999 shall be obligations of the commonwealth as of July 1, 1999 and the commonwealth may exercise all rights and enjoy all interests conferred upon the county by such leases and contracts except as may be otherwise provided in this chapter.

Section 8. (a) For the purpose of recovering amounts expended by the commonwealth for the liabilities and other debts assumed and paid by the commonwealth on behalf of an abolished county, the secretary of administration and finance shall establish a plan to recover said amounts pursuant to subsection (e). Said secretary shall determine said amounts by comparing the gross liabilities of an abolished county assumed by the commonwealth with the gross assets received by the commonwealth from said county and recovering the difference from the member municipalities of said counties.

(b) Said liabilities shall include, but not be limited to: (1) reserves appropriated by the commonwealth for payment of costs and liabilities of an abolished county, (2) funds appropriated by the commonwealth in Berkshire county for the operation of the registries of deeds in fiscal year 2000, (3) the salary of a county treasurer paid by the commonwealth subsequent to the date of abolition, (4) the amount of bonded debt paid by the state treasurer

subsequent to the date of abolition, (5) any amounts appropriated by the commonwealth for capital reserves or improvements for an independent agricultural and technical institute in fiscal year 2000; (6) the regional retirement system transfer deficit as defined in section 18, and (7) the present value of the accrued benefits of the transferred members less the transfer assets determined pursuant to section 18, which shall be known as the unfunded pension liability; provided, however, that when determining the present value of the accrued benefits, an actuary shall assume that each transferred employee will retire on the date that such employee is eligible to receive a retirement allowance calculated using the maximum percentage provided in subparagraph (a) of subdivision (2) of section 5 of chapter 32 and the service and final average salary at the date of transfer using assumptions of the retirement system in its most recent actuarial valuation. The sum of all such liabilities shall be the gross liabilities of the abolished county.

(c) Said assets shall include, but not be limited to: (1) the amount of cash on hand and accounts receivable of an abolished county deemed collectable by said secretary which became assets of the commonwealth as of the date of abolition, (2) in Berkshire county, the revenue received by the Berkshire county registries of deeds in fiscal year 2000, (3) the value of real estate of the county transferred to the commonwealth pursuant to this chapter, net of amounts provided to a county by the commonwealth for construction, reconstruction or improvements of such real estate and payments by the commonwealth for debt service; provided that solely for the purpose of determining a value to include on the schedule of assets and liabilities required by this section any such real estate shall be valued at 75 per cent of the value assessed by the city or town in which it is located as of the transfer date, subject to adjustment if the commonwealth appraises such property at a greater value in fiscal year 2001; provided, further, that the county treasurer or, in the absence of such treasurer, the executive director of the regional retirement system shall collect and provide to said secretary local assessment information from each municipality in which the abolished county owned property as of the transfer date, within 60 days of such transfer date or February 1, 2000, whichever is later. The sum of all such assets shall be the gross assets of the abolished county. Nothing in this section shall be construed as creating any subsequent commonwealth financial obligation to cities and towns.

(d) If the commonwealth conveys, during the term of the amortization schedule pursuant to paragraph (e), any property that was formerly owned by an abolished county and transferred to the commonwealth pursuant to section 6, the difference between the sale price and the value assigned under paragraph (c) shall be credited by the secretary against the net liabilities of the abolished county.

(e) Said secretary shall establish an amortization schedule to recover any amounts so expended by the commonwealth which shall be filed with the clerks of the house of representatives and the senate not later than 120 days after the transfer date or April 1, 2000, whichever is later. If such amortization schedule is not prepared within such time, the assessments collected hereunder shall cease until such schedule is so prepared and filed. Unless the general court changes said plan or schedule by law, said secretary shall proceed

with implementation of said plan and schedule beginning one year after the transfer date or July 1, 2000, whichever is later; provided, however, that nothing herein shall preclude said assessment from being collected during the year prior to said implementation.

(f) Payment on said schedule shall be as described in this subsection. For the duration of said schedule, the state treasurer shall, pursuant to section 20 of chapter 59, assess upon each city and town within the former jurisdiction of an abolished county an amount equal to the county tax paid by each such city and town as assessed pursuant to the provisions of chapter 35 for the fiscal year beginning July 1 of the year immediately before the transfer date in Middlesex, Worcester and Hampden counties, and an amount up to the county tax paid by each such city and town as assessed pursuant the provisions of chapter 35 for the fiscal year beginning July 1 of the year immediately before the transfer date in Essex, Berkshire and Hampshire counties; provided, however, that in Essex County such assessment shall be based on the fiscal year beginning July 1 two years before the transfer date.

The amount of the assessment shall be paid annually by each city or town to the treasurer of the commonwealth and shall remain in effect for the duration of said amortization schedule, which, in Hampshire, Essex and Berkshire counties, shall not be less than ten years, and which, in Middlesex, Worcester and Hampden county, shall not exceed 25 years. In the event an assessment due is not paid in accordance with this section, it shall be deducted from the cherry sheet, so-called.

(g) Notwithstanding the provisions of any general or special law to the contrary, the comptroller of the commonwealth shall deposit the funds collected pursuant to this section without further appropriation as follows: amounts that are proportionally equal to the amount that the unfunded pension liability is to the gross liabilities of the abolished county shall be deposited into the commonwealth pension liability fund; amounts that are proportionally equal to the amount that the regional retirement transfer deficit as defined in section 15 is to the gross liabilities of the abolished county shall be deposited with the regional retirement system in the geographical area of the former county; and amounts that are proportionally equal to the amount that all other liabilities of the abolished county are to the gross liability of the abolished county shall be deposited into the local aid fund.

Section 9. The treasurer of an abolished county shall cooperate with the secretary of administration and finance in effecting the orderly transfer of assets, liabilities, personnel, functions, duties and responsibilities from an abolished county or from the Suffolk and Berkshire registries of deeds to the commonwealth. For the duration of his term, said treasurer shall continue to occupy at no cost the office space occupied by the office of the county treasurer immediately before the transfer date.

Section 10. (a)(1) Notwithstanding any general or special law to the contrary, an abolished county's registers of deeds holding office immediately before the transfer date shall become employees of the commonwealth under the supervision of the secretary of the commonwealth on the transfer date, and, in Hampshire county, on September 1, 1998, and in Suffolk and Berkshire counties, on July 1, 1999; provided, however, that said secretary

shall have general superintendence over the Suffolk county register of deeds as of September 1, 1998. The registers shall remain elected officials retaining local administrative control under the general direction of said secretary. The operational procedures of the registries shall be uniform as prescribed by said secretary. Said secretary shall determine the budget of each registry, subject to appropriation.

(2) Notwithstanding the provisions of any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and legal obligations of the registry of deeds functions of an abolished county's government to the commonwealth, as hereby defined as of the transfer date, and for the Berkshire and Suffolk county registries of deeds on July 1, 1999:

(A) The functions of the registries of deeds, hereinafter called the transferor agencies, shall be transferred to the office of the secretary of state, which is hereinafter referred to as the transferee agency.

(B) All employees of the transferor agencies, including those who immediately prior to the transfer date hold permanent appointment in positions classified under chapter 31 or have tenure in their positions by reason of section 9A of chapter 30 or do not hold such tenure, are hereby transferred to said transferee agency, without interruption of service within the meaning of said section 9A or said chapter 31, and without reduction in compensation or salary grade. Notwithstanding the provisions of any general or special law to the contrary, all such employees of the transferor agency shall continue to retain their right to collectively bargain pursuant to chapter 150E, and shall be considered employees for the purposes of said chapter 150E. Employees shall be transferred without change in union representation.

(C) All petitions, requests, investigations and other proceedings approximately and duly brought before said transferor agencies, or duly begun by said transferor agencies and pending before said transferor agencies prior to the transfer date, shall continue unabated and remain in force, but shall be assumed and completed by said transferee agency.

(D) All orders, rules and regulations duly made and all approvals duly granted by said transferor agencies which are in force immediately prior to the transfer date, shall continue in force and the provisions thereof shall thereafter be enforced, until superseded, revised, rescinded or canceled in accordance with law by said transferee agency.

(E) All books, papers, records, documents, and equipment which immediately prior to the transfer date are in the custody of said transferor agencies shall be transferred to said transferee agency.

(F) All duly existing contracts, leases and obligations of said transferor agencies, shall continue in effect and shall be assumed by said transferee agency. No existing right or remedy of any character shall be lost, or affected by the provisions of this chapter.

Section 11. The rights of all employees of each registry of deeds of an abolished county and Hampshire county and the Suffolk and Berkshire county registries of deeds shall continue to be governed by the terms of collective bargaining agreements, as applicable, including employees transferred to the office of the state secretary.

Section 12. Notwithstanding the provisions of any general or special law to the contrary, the sheriff of an abolished county, including Franklin county, in office immediately before the transfer date, and, in Hampshire county, on September 1, 1998 shall become an employee of the commonwealth with salary to be paid by the commonwealth. The sheriff shall remain an elected official under the provisions of section 159 of chapter 54. Said sheriff shall operate pursuant to the provisions of chapter 37. Such sheriff shall retain administrative and operational control over the office of the sheriff, the jail, and the house of correction as of the transfer date. Said administrative and operational control shall include, but not be limited to, the procurement of supplies, services and equipment.

Section 13. An employee of a sheriff of an abolished county, or of Hampshire county after August 31, 1998 shall be an "employee" or "public employee" as defined in section 1 of chapter 150E and the sheriff of such county shall be an "employer" or "public employer" as defined in said section 1 of said chapter 150E. A collective bargaining agreement negotiated by each such sheriff shall be submitted to the governor in conformity with the provisions of subsection (c) of section 7 of said chapter 150E.

Section 14. (a) Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the sheriff, all deputies, jailers, superintendents, keepers, officers, assistants and other employees of the sheriff of an abolished county, employed immediately before the transfer date, which, in the case of Hampshire county for purposes of this section, shall be September 1, 1998, in the discharge of their responsibilities set forth in section 24 of chapter 37 and section 16 of chapter 126, shall be transferred to the commonwealth with no impairment of employment rights held immediately before the transfer date without interruption of service, without impairment of seniority, retirement or other rights of employees, without reduction in compensation or salary grade and without change in union representation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge layoff or abolition of position not prohibited before such date.

(b) All demands, notices, citations, writs, precepts and all other notices given by the sheriff, deputies, jailers, superintendents, keepers, officers, assistants or other employees of a sheriff of an abolished county, as the case may be, on or before the transfer date shall be valid and effective for all purposes unless otherwise revoked, suspended, rescinded, canceled or terminated in accordance with law.

(c) Any enforcement activity imposed by the sheriff or by any deputies, jailers, superintendents, keepers, officers, assistants or other employees of the sheriff of an abolished county, before the transfer date, shall be valid, effective and continuing in force according to the terms thereof for all purposes unless superseded, revised, rescinded or canceled in accordance with law.

(d) All petitions, hearings appeals, suits and other proceedings duly brought against, and all petitions, hearings, appeals, suits, prosecutions and other legal proceedings begun by the sheriff, deputies, jailers, superintendents, keepers, officers, assistants or the employees of the sheriff of an abolished county, as the case may be, which are pending before the transfer date shall continue unabated and remain in force notwithstanding the transfer pursuant to section 1.

(e) All records maintained by the sheriff, deputies, jailers, superintendents, keepers, officers, assistants and other employees of the sheriff of an abolished county before the transfer date shall continue to enjoy the same status in any court or administrative proceeding, whether pending on said transfer date or commenced thereafter, as they would have enjoyed in the absence of such transfer.

Section 15. All officers and employees of an abolished county or of Hampshire county or of the Suffolk and Berkshire counties' registries of deeds transferred to the service of the commonwealth or a regional retirement system shall be transferred without impairment of seniority, retirement or other statutory rights of employees, without reduction in compensation or salary grade and without change in union representation, except as otherwise provided in this chapter. Any collective bargaining agreement in effect for such transferred employees immediately before the transfer date shall continue as if the employees had not been so transferred, until the expiration date of such collective bargaining agreement. Nothing in this section shall be construed to confer upon any employee any right not held immediately prior to the date of said transfer, or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited prior to such date.

Section 16. (a)(1) Notwithstanding the provisions of any general or special law to the contrary, employees of an abolished county or of the Suffolk and Berkshire counties' registries of deeds who become state employees under this chapter and who are eligible for group insurance coverage under chapter 32B or who are insured under chapter 32B, shall have their eligibility and coverage transferred to the jurisdiction of the group insurance commission effective four months after the transfer date which, in the case of Hampshire county, shall be September 1, 1998 and, in the case of Berkshire and Suffolk counties' registries of deeds, shall be July 1, 1999 for the purposes of this section, and such employees shall cease to be eligible or insured under chapter 32B.

(2) The group insurance commission shall provide uninterrupted coverage for group life and accidental death and dismemberment insurance and group general or blanket insurance providing hospital, surgical, medical, dental and other health insurance benefits to the extent authorized under chapter 32A; provided, however, that county employees who were covered by a collective bargaining agreement on the date of said transfer to said jurisdiction shall continue to receive the group insurance benefits required by their respective collective bargaining agreements until the expiration date of such agreements. All questions relating to group insurance rights, obligations, costs and payments shall be determined by the

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group insurance commission and shall include the manner and method for the payment of all required premiums applicable to all such coverage.

(b) Notwithstanding the provisions of any general or special law to the contrary, retired employees of an abolished county and the surviving spouses of active or retired county employees who are eligible for group insurance coverage as provided under chapter 32B or who are insured under chapter 32B shall have their eligibility and coverage transferred to the jurisdiction of the group insurance commission effective four months after the transfer date and such persons shall cease to be eligible or insured under chapter 32B. The group insurance commission shall provide uninterrupted coverage for group life and accidental death and dismemberment insurance and group general or blanket insurance providing hospital, surgical, medical, dental and other health insurance benefits to the extent authorized under chapter 32A. All questions relating to group insurance rights, obligations, costs and payments shall be determined by the group insurance commission, and shall include the manner and method for the payment of all required premiums applicable to all such coverage.

(c) The human resources division of the executive office for administration and finance shall assume the obligations of an abolished county to employees who become state employees and who are covered under a health and welfare trust fund agreement established under section 15 of chapter 32B pursuant to a collective bargaining agreement until the expiration date of the collective bargaining agreement.

(d) Any monies in an abolished county's employees' group insurance trust fund established pursuant to section 8A of said chapter 32B three months after the transfer date shall be transferred to the group insurance commission trust fund established pursuant to section 9 of said chapter 32A.

As of December 1, 1998, a pro rata share of any monies in Hampshire county's employees' group insurance trust fund established pursuant to section 8A of said chapter 32, related to the employees transferred on July 1, 1998 pursuant to this chapter, shall be transferred to the group insurance commission trust fund established pursuant to section 9 of said chapter 32A. Any monies remaining in Hampshire county's employees' group insurance trust fund established pursuant to section 8A of said chapter 32B on March 1, 1999 shall be transferred to the Hampshire county group insurance trust fund.

(e) Any monies in a claims trust fund established pursuant to section 3A of chapter 32B are hereby transferred to the group insurance commission as of the transfer date; provided, however, that any city, town or district that participates in the county's group insurance plans pursuant to section 11 of chapter 32B or jointly purchased insurance with an abolished county pursuant to section 12 of said chapter 32B, the pro rata share of the excess shall be returned to the participating city, town or district. The abolished county's treasurer shall provide the group insurance commission with an accounting of the claims trust fund which shall be for the one year period immediately preceding the transfer date and shall include a calculation of the employee, retiree and surviving spouse contributions that are in

excess of the claims costs and expenses of the plans for which the contributions were made. Said treasurer shall routinely forward to the group insurance commission any claims for health insurance claims made on behalf of the active employees and retirees of the abolished county. For purposes of this subsection, the transfer date for Hampshire county shall be January 1, 1999.

(f) On January 31, 2001, the director and trust administrator for the Hampshire county group insurance trust shall provide the group insurance commission with an accounting of the reserves and unit deposits of the claims trust fund which shall be for the two year period immediately preceding October 1, 2000 and shall include a calculation of the employee, retiree and surviving spouse contributions that are in excess of the claims costs and expenses of the plans for which the contributions were made.

Section 17. The amount of state education aid for an independent agricultural and technical school, established pursuant to chapter 74A, shall be supplemented, in the first fiscal year of establishment, with a state appropriation for 50 per cent of the local assessment required of cities and towns with students enrolled in said school, and in the second fiscal year, with a state appropriation for 25 percent of such local assessment.

Section 18. Notwithstanding the provisions of any general or special law to the contrary, an abolished county's employees who retired on or before the transfer date, and such abolished county's inactive members, shall be members of the regional retirement system, which shall pay the cost of benefits to such retired county employees and inactive members and their survivors. Said system shall be responsible for the accrued pension liability attributable to the service of such retirees and inactive members.

The employees of an abolished county who become state employees pursuant to the this chapter or any prior or subsequent act abolishing any county, shall become members of the state retirement system, and notwithstanding the provisions of any general or special law to the contrary including, but not limited to, paragraph (c) of subdivision 8 of section 3 of chapter 32, said system shall be responsible for all liability attributable to the service of such employees. Said liabilities attributable to the service of such employees shall be recoverable by the commonwealth pursuant to the terms of section 8.

The accumulated deductions and employer contribution, including interest, credited to the accounts of members of an abolished county's retirement system who become members of the state retirement system pursuant to this chapter or any prior or subsequent act abolishing any county shall be transferred from such abolished county's retirement system and credited to such members' accounts in the state retirement system. The sum of the accumulated deductions, employer contributions and interest shall be known as the transfer assets. The transfer assets shall be determined by first assigning system assets to retiree and inactive liability, then assigning any remaining system assets to active employee liability, then determining the funded ratio of active employees to determine an amount of assets to transfer that will maintain the funded ratio of active employees in the regional retirement system after the transfer at a level that is not less than the funded ratio prior to the transfer.

In no event shall an amount less than the annuity savings fund of the transferred members be transferred; provided, however, that if the transfer assets are less than the total of the annuity savings fund to be transferred, the secretary of administration and finance shall include the difference, which shall be known as the regional retirement system transfer deficit, as a liability in the calculation required pursuant to section 8.

Any calculations to be determined pursuant to this section and section 8 shall be performed by the actuary that performed, and shall be based on the assumptions used, in the most recent valuation of a county retirement system subject to review and approval by the actuary at the public employee retirement administration commission; provided, however, that all funds subject to transfer shall be transferred within 90 days of approval by the public employee retirement administration commission. All transfers made pursuant to this section shall include interest at the interest rate used in the most recent actuarial valuation of the county retirement system from the date of abolition until the date said funds are transferred.

Cities, towns, districts and other governmental units belonging to an abolished county's retirement system shall remain members of such retirement system.

Section 19. Notwithstanding the provisions of chapter 32 or any general or special law to the contrary, the retirement system of a county abolished pursuant to this chapter, or abolished pursuant to chapter 151 of the acts of 1996, shall continue pursuant to this section and shall be managed by the retirement board as provided in this section beginning on the transfer date.

(a) A contributory retirement system established for an abolished county operating under the terms of sections 1 to 28, inclusive, of said chapter 32 shall be known as a regional retirement system, and all business shall be transacted under a name designated by the retirement board bearing the title of the geographic location of said system.

(b) Said system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5) of section 20 of chapter 32. Said board shall consist of five members as follows:

(1) The first member, who shall serve as chairman, shall be the country treasurer as of the effective date of this chapter, and shall serve until the expiration of his term as treasurer on December 31, 2002, and the qualification of his successor first member. Thereafter, the first member shall be elected by the other four members for successive three-year terms. If the first member is not chosen by the other four members within 30 days of the expiration of his term, or of any earlier vacancy in his office, the public employee retirement administration commission shall appoint the first member.

(2) The second member, shall be the member of the county retirement board advisory council as of the effective date of this chapter, and shall serve until the expiration of his term on January 1, 2001 and the qualification of his successor. Thereafter, the second member shall be a member of the regional retirement board advisory council, and shall be elected by a majority of those present and voting at a public meeting of said council, properly posted, called specifically for such election pursuant to paragraph (g), for successive three-year terms.

(3) A third and fourth member, hereinafter referred to as the elected members, shall in the first instance be, respectively, the currently elected member who was elected pursuant to chapter 306 of the acts of 1996, who shall be the third member, and the previously elected current member, who shall be the fourth member. The third member shall serve until the expiration of his term on January 1, 2002 and the qualification of his successor. Thereafter the third member shall be elected by the membership in accordance with paragraph (h) for successive three year terms. The fourth member shall serve until the expiration of his term on January 1, 2000 and the qualification of his successor. Thereafter the fourth member shall be elected by the membership in accordance with paragraph (h) for successive three year terms. The elected members shall be active or retired members of the regional retirement system or one whose retirement is being reimbursed by that system in accordance with the provision of paragraph (c) of subdivision (8) of section 3 of chapter 32.

(4) A fifth member, who shall not, except as provided in this subparagraph, be an employee, retiree or official of the retirement system, or of any of its constituent governmental units, shall be chosen by the other four members and serve for a term of five years; provided, however, that in the first instance, the fifth member shall be the currently serving second member, whose term of office as second member shall expire on the date of transfer. Thereafter, the fifth member shall be chosen as provided in this subparagraph. If the fifth member is not chosen provided in this subparagraph within 30 days of the expiration of his term, or of any earlier vacancy in his office, the public employee retirement administration commission shall appoint the fifth member. Any person serving as the second member of a county retirement board shall on the effective date of this chapter become the fifth member upon the expiration of his term notwithstanding that said member is an employee, retiree or official of a constituent governmental unit within the system.

(5) Upon the expiration of the term of office of any elected or appointed member, or in the event of a vacancy in either of said offices, his successor shall be elected as aforesaid for a term of three years, or for the unexpired portion thereof, as the case may be.

(6) In Essex county, the regional retirement board may require the Essex county treasurer as of the effective date of transfer to serve as a full time employee of the retirement board in the capacity of chief executive officer of the regional retirement system for the duration of his term as elected county treasurer. Thereafter, his continued employment and compensation shall be at the sole discretion of the regional retirement board provided however that if such treasurer is retired pursuant to the provisions of said chapter 32, and the regional retirement board selects him as chairman after the expiration of his term as treasurer and appoints him as chief executive officer of the regional retirement system, he may work more than 960 hours per year notwithstanding the provisions of section 91 of said chapter 32; provided further that the earnings therefrom when added to any pension or retirement allowance he is receiving do not exceed the salary paid for the position from which he was retired or, if said position no longer exists, any successor position with similar duties.

(c) The second, third, fourth and fifth members of a regional retirement board shall be compensated in an amount to be determined by the board but not to exceed the amounts

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set forth in subdivision (6) of section 20 of chapter 32. The first member, as chairman, shall be compensated in amount to be determined by the board. Responsibility for the salary of the county treasurer shall be transferred from the commonwealth to the retirement system of which he is chairman or chief executive officer, and the county treasurer's office shall be abolished pursuant to section 2.

(d) The retirement board may employ clerical and other assistants as may be required to transact the business of the retirement system. All permanent employees employed pursuant to this paragraph shall be members of the retirement system, but shall not be eligible to be a member or candidate for election to the retirement board, however, this prohibition shall not apply to a county treasurer when employed as a chief executive officer of the regional retirement board pursuant to paragraph (b) of this section.

(e) A regional retirement board shall be authorized to purchase or lease property, facilities and equipment and employ any such personnel necessary for the proper administration and transaction of business of the retirement system.

(f) The board of any such regional retirement system and the chairman thereof shall respectively be and act as the board and treasurer-custodian of such system with respect to the employees of any town or district who become members of such system as provided for in paragraphs (b) or (c) of subdivision (3), or paragraph (b) of subdivision (4) of section 28 of chapter 32, or who have become members thereof under corresponding provisions of earlier laws. The treasurer or other disbursing officer of any such town or district, as the case may be, shall act as a liaison officer between the employees thereof and the board of such system.

(g) There shall be a regional retirement board advisory council consisting of all the treasurers, elected or appointed, of each town, unit, or district belonging to the prior county retirement system and remaining in the retirement system established by this section. The members of said advisory council shall elect a chairman from among the members. Said council shall meet at the call of the chairman, but in no event less than twice in each year. Said council shall supervise and certify the procedures involved in the election of the elected members of the retirement board, as provided in paragraphs (b) and (h). Upon certification by the retirement board and the council, the actuary shall be furnished with an estimate of the expenses and costs of administration of the system for the ensuing year. The actuary shall, on or before December 15 in each year, specify by written notice to the council and the board the amounts so required to be paid from the pension fund, the annuity reserve fund, the military service fund, and the administration fund, as provided in subdivision (7) of section 22 of chapter 32. For fiscal years 1998, 1999 and 2000, the actuary shall recalculate the expenses of the system to reflect the provisions of section 18 and shall recalculate the amounts to be allocated to each governmental unit. Any governmental unit that has paid assessments in such fiscal years that are greater than the recalculated assessments, shall receive credit against future payments. The credit shall be distributed over the same number of fiscal years that overpayments were made by such unit. The actuary shall also advise and

determine the amounts to be allocated to each governmental unit for such amounts. The regional retirement board advisory council, at a meeting called specifically for that purpose, shall elect one of its members as a member of the regional retirement board at the expiration of the current appointed member's term, as provided in paragraph (e).

(h) The regional retirement board advisory council, which shall serve as the election board, shall supervise the election of the elected members of the retirement board. The council shall make available nomination papers to any member in or retired from service so requesting and shall require that such nomination papers be signed by the candidate and be returned to the office of the retirement board for safekeeping until the election board shall meet. The chairman of the council shall give a duplicate receipt for such nomination papers to each candidate. Completed nomination papers shall contain the signatures and addresses of at least five active or retired members of said retirement system. The election board shall determine whether each candidate has filed nomination papers containing the requisite signatures and addresses. If, after investigation, the election board determines that a candidate has filed nomination papers containing less than five signatures as required, the election board shall declare said nomination papers invalid and shall notify the candidate of such determination. If, after investigation, the election board determines that only one candidate has filed the requisite number of signatures, the election board shall declare said candidate to be the elected member of the county retirement board. If, after investigation, the election board determines that more than one candidate has obtained the requisite number of valid signatures, the election board shall notify said candidates of such determination and shall immediately prepare election ballots, and set the date for an election to be held within 40 days.

The election board shall mail ballots to all members of the retirement system whether active or retired. The election board shall instruct each member to place an appropriate marking on the face of the printed ballot envelope next to the name of one candidate, insert the ballot into a ballot envelope, and the ballot envelope into the pre-stamped envelope, seal said pre-stamped envelope and mail said envelope to the election board in care of the county retirement board, within 20 days after they were mailed. Any envelope postmarked later than 20 days after such mailing shall not be used to determine the elected member. The election board shall notify each candidate of the time and location of the tabulation of the ballots and shall permit all such candidates to be present at said tabulation. At the specified time for tabulation, the election board shall assemble all envelopes and inspect said envelopes. Any envelope which has been opened prior to said date, or which has not been signed on the rear by the appropriate addressee, shall be invalidated and shall not be used to determine the elected member. The election board shall, assemble all properly signed, unopened envelopes and shall open each envelope and separate the enclosed ballot from said envelope. The election board shall assemble all ballots and shall tabulate the vote for each candidate. Any ballot which contains a marking for more than the number of vacancies shall be declared invalid.

The election board shall notify each candidate in writing of the results of said election. All envelopes and ballots received by said election board, including those determined to be invalid, shall be preserved by the election board for two years. The costs incurred by the election board in administering the election shall be paid from the county retirement system administration fund.

(i) The group insurance commission shall make available to board members and employees of a regional retirement board health, life and disability benefits, and said board members and employees shall be eligible to participate in all benefits administered by the group insurance commission. The costs thereof, including any administrative costs incurred by the group insurance commission shall be borne by said employees and board members and the regional retirement system.

Any benefits provided, prior to the abolition of county government, to employees and retirees of a regional retirement system that are not available through the group insurance commission may be provided to such employees and retirees through the regional retirement system; provided, however, that said system is fully reimbursed, in the case of retirees, for the cost of such benefits, and, in the case of employees, is reimbursed in a percentage equal to that of the percentage paid by state employees for similar benefits.

(j) An employer shall be required to provide a board member under its employ with all necessary leave required for service to such board. A board member who is an active member of a contributory retirement system shall receive creditable service, consistent with the provisions of paragraph (a) of subdivision (1) of section 4 of chapter 32, for such periods the member is so serving.

(k) The abolished county's retirement board and retirement board advisory council shall continue to serve until such time as the members of the new retirement board and the new retirement board advisory council pursuant to this section have been duly elected, selected or appointed, as the case may be.

(l) Any provisions of said chapter 32, including provisions that apply to a county retirement systems, that are not inconsistent with the provisions of this chapter shall apply to a regional retirement system.

Section 20. (a) A city or town within or contiguous to an abolished county or to be abolished county, which accepts the provisions of this section by vote of the city council with the approval of the chief executive officer or by vote of the town meeting or by vote of the board of selectmen may enter into agreement to join a regional charter commission. Each city or town electing to join said commission shall send a representative appointed by the chief executive officer or board of selectman, and said commission shall convene and shall develop a charter proposal recommending (1) a structure, including organization and method of selecting members for said regional council of government and (2) provision for the method of determining approval of the charter proposal in said cities and towns; provided, however, that said charter shall be adopted and binding only on those cities and towns where a majority of voters approve it by popular vote.

The charter shall also include provisions for towns to enter or leave participation in the council of governments. Said charter shall be placed before the voters in an election. The charter shall also include a method of determining approval of any increase or decrease in the county assessment authorized in this section but such method shall include approval of such increase or decrease by the member municipalities of the council of governments in a popular vote if such increase is in excess of 102.5 per cent of the previous fiscal year assessment. The charter may also include a method of determining approval of an annual budget, including fees, grants, assessments and other revenues. The charter may provide that a council of governments shall retain any powers previously conferred upon the county and its county commissioners and shall have any additional powers authorized by this section; provided, however, that said councils shall not retain any power concerning functions transferred to the commonwealth under sections 1 or 4 of this chapter, retain power to levy a county tax, or retain powers specifically denied under this section.

(b) Notwithstanding subsection (a), the following provisions shall apply to Hampshire county. The charter proposed by the county commissioners and approved pursuant to a direct vote of the people of Hampshire county in November 1998 is hereby ratified and shall be deemed to have taken effect on January 1, 1999. The election held in Hampshire county at the biennial state election ballot in November 1998 adopting a charter is hereby ratified, validated and confirmed. All actions, proceedings, contracts, agreements, expenditures and assessments made by the Hampshire council of governments prior to July 1, 1999 are hereby ratified, validated and confirmed. The Hampshire council of governments shall retain any powers previously conferred upon Hampshire county and its county commissioners; provided, however, that said council shall not retain any power concerning functions transferred to the commonwealth under sections 2 and 4, retain power to levy a county tax, or retain powers specifically denied under this section or under the charter. The county commission of Hampshire county shall hereafter be known as the council of governments and each municipally elected official serving on the council may serve until the end of the current term to which elected as a county commissioner or until a successor council official is elected in that municipality. The council shall organize as provided by the newly approved charter. The executive committee shall have the powers of selectmen under sections 52 and 56 of chapter 41. Notwithstanding any general or special law to the contrary, the county treasurer, appointed by the county administrator under the prior county charter, shall become known as the director of finance for the council of governments, and shall have the powers and duties of a municipal treasurer under section 35 of said chapter 41 and under sections 54, 55, and 55A of chapter 44. The director of finance shall be a member of the county retirement system advisory board with all the rights, privileges, and duties as other members of the advisory board.

(c) Upon approval of the new charter, the county commission of a county shall become known as the council of governments and each municipally elected official serving on the council may serve until the end of the current term to which elected as a county commissioner or until a successor council official is elected in that municipality. The council

shall organize as provided by the newly approved charter. The executive committee shall have the powers of selectmen under section 52 and 56 of said chapter 41.

(d) The council of governments may accept or participate in any grant, donation or program available to any political subdivision of the commonwealth, and may also accept or participate in any grant, donation, or program made available to counties by any other governmental or private entity.

(e) Notwithstanding the provisions of any special or general law to the contrary, any political subdivision of the commonwealth may enter into agreement with the council of governments to perform jointly or for the other, or in cooperation with other entities, any service, activity or undertaking which the political subdivision is authorized by law to perform. For the term of the agreement and subject to the terms thereof, the council of governments shall be authorized to perform the service, activity or undertaking and may designate appropriate representatives to oversee the performance, provided that the functions and duties of the representative or representatives are set forth in the agreement.

(f) The parking provisions of chapter 90 shall apply to the parking areas subject to the control of the council of governments, and the council shall have the powers and duties of that chapter as they apply to parking.

(g) A regional council of government established pursuant to this section may administer and provide regional services to cities and towns and may delegate such authority to subregional groups of such cities and towns. Regional councils of government may enter into cooperative agreements with regional planning commissions or may merge with such commissions to provide regional services.

(h) Regional services provided to member municipalities shall be determined by each regional council of government and may include, but are not limited to, the following services: engineering, inspectional services and planning, economic development, public safety, emergency management, animal control, land use management, tourism promotion, social services, health, education, date management, regional sewerage, housing, computerized mapping, household hazardous waste collections, recycling, public facility siting, coordination of master planning, vocational training and development, solid waste disposal, fire protection, regional resource protection, regional impact studies, and transportation.

(i) For the purpose of organizing and administering in the county or a portion of the county a cooperative or regional entity to provide, purchase or otherwise make available services on a regionalized basis, the council of governments may impose a regional assessment as set forth in the charter submitted to the voters and approved by said voters pursuant to this section. The regional assessment shall be allocated among the members of the council of governments in proportion to their respective equalized valuations as reported to the general court by the commissioner of revenue in accordance with section 10C of chapter 58 unless the charter includes provisions that set the assessment based upon other factors including, but not limited to, population or base cost per municipality. The regional assessment shall be based upon the budget adopted by the council of governments, net of

estimated revenues. The regional assessment shall be retained by the council of governments and shall be used for the purpose of providing regional or municipal services or programs, or planning, organizing and administering such services or programs, and maintaining abolished county or regional council of government property in connection with said services or programs, under the authority granted herein.

(j) The council of governments may increase or reduce the regional assessment on each member municipality from the base year of fiscal year 2000, subject to the limits of sections 20A and 21C of chapter 59.

(k) The council of governments may incur temporary debt in anticipation of revenue for a term not to exceed one year, with the approval of a majority of the council of governments. The temporary debt shall not exceed one-half of the amount of the council of governments assessment under subsection (h). Sections 16 to 19, inclusive, and sections 21 to 22C, inclusive, of chapter 44 shall, so far as possible, apply to debt issued under this section.

(l) The provisions of chapter 268A and 268B that are applicable to a county agency and county employees shall apply to a regional council of government and its employees.

(m) Nothing in this chapter shall authorize, require or permit any regional council of government to abrogate, in whole or in part any agreement, including any collective bargaining agreement, negotiated with any employee organization under chapter 150E or to interfere with or detract from the rights of any employee under chapter 31. Nothing in this chapter shall supplant or supersede any rights of any employee organization under any law, including, but not limited to, said chapter 150E, including any agreements negotiated under said chapter 150E, or any employee under chapter 31.

Section 21. The secretary of administration and finance, in consultation with the comptroller, the state secretary, the judiciary, and such other departments of the commonwealth as may be necessary or appropriate, shall make such plans and arrangements as may be necessary to ensure the effective transfer of county functions to the commonwealth pursuant to this chapter.

Section 22. Notwithstanding the provisions any general or special law to the contrary, the municipalities of an abolished county shall be deemed to have accepted the provisions of section 147A of chapter 140, and shall enact by-laws to provide for the functions performed by the abolished government of a county with respect to dogs pursuant to sections 136A to 174D, inclusive, of said chapter 140, as of July 11, 1997. The balance of funds remaining in the dog fund of an abolished county as of the transfer date shall be disbursed forthwith by the state treasurer in the manner prescribed by section 172 of said chapter 140 to the treasurer of each city and town, who shall maintain a separate dog fund consistent with the by-laws adopted by the city or town and said sections 136A to 174D, inclusive, of said chapter 140.

SECTION 54. Section 3 of chapter 40A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 69 the word ", as" and inserting in place thereof the following words:- and large family day care home, as those terms are.

SECTION 55. Chapter 44 of the General Laws is hereby amended by striking out section 72, as so appearing, and inserting in place thereof the following section:-

Section 72. Notwithstanding the provisions of any general or special law to the contrary, any local government entity may receive federal funds for reimbursable medical services where all conditions set forth in this section are met. Federal payments under Title XIX of the Social Security Act, claimed pursuant to this section, shall be distributed as follows: (1) with regard to federal payments that are attributable to reimbursable medical services provided to students who are in residential special education programs pursuant to the provisions of chapter 71B, (a) 50 per cent of such payments shall be returned to the local government entity, and (b) 50 per cent of such payments shall be deposited into the general fund; (2) with regard to federal payments that are attributable to any other reimbursable medical service, 100 per cent of such payments shall be returned to the local government entity, except that, for the purpose of paying the contingency fee due to a commonwealth contractor for obtaining federal payments attributable to such non-education-related services, the comptroller shall retain from such a local government entity payments in an amount equal to such contingency fee. For purposes of this section, "commonwealth contractor" shall mean any party with whom the commonwealth has entered into a contingency agreement for the purpose of assisting the local government entity in obtaining federal reimbursement. Federal payments under Title XXI of the Social Security Act, claimed pursuant to this section, shall be distributed as follows: (1) any federal payment amount in excess of 50 per cent of the expenditure amount claimed by the division of medical assistance on the federal claim form shall be deposited into the Children's and Seniors' Health Care Assistance Fund established by section 2FF of chapter 29; and (2) the remaining federal payment amount shall be distributed in the manner described in the preceding sentence. Any funds received by a local government entity pursuant to the provisions of this section shall be considered unrestricted revenue of the local government entity and may be spent in accordance with any general or special law governing the expenditure of the entity's revenues. Before incurring any cost or providing any service for which it intends to claim federal payments under this section, the local government entity shall obtain the approval of the division, but the division, in its sole discretion, may waive this requirement where it determines that such a waiver would be in the best interests of the commonwealth. To receive any amounts under this section, the local government entity shall enter into a written agreement with the division directly or indirectly through an agency or other political subdivision, which agreement shall contain all provisions that the division deems suitable or necessary to support any claim for federal payments under this section. In addition, any local government entity that has entered into a written agreement with the division shall provide to the division, on such forms and at such times as the division may require, any information that the division deems suitable or necessary to support any claim for federal payments under this section. The division shall have the sole discretion to approve or disapprove any local government entity's proposal to claim federal payments. No action or failure to act by the division under this section shall be subject to any administrative or judicial review. The parent or guardian of any child who

receives any service for which a local government entity is responsible under this section and which otherwise would be a reimbursable medical service shall, upon request, disclose to such local government entity the child's member identification number established by the division. For the purposes of this section, "federal payments" shall mean amounts received by the commonwealth as reimbursement for the federal share of payments for services described herein. For the purposes of this section, "local government entity" shall mean any city or town, public health commission or regional school district that is responsible, or assumes responsibility, either directly or indirectly through an agency or other political subdivision, for payment of the state share for services described herein. Such state share shall consist exclusively of public funds. Any local or regional school district or committee and the department of education may also contribute to the state share for any such services that are provided under the auspices of said department. For the purposes of this section, "reimbursable medical services" shall mean services, including administrative activities related to such services, that are medically necessary and for which federal payment otherwise is available under the programs of medical care and assistance established under chapter 118E and policies, procedures and criteria established by the division. For the purposes of this section, "state share" shall mean amounts which the commonwealth is obligated to assume in order to claim federal payment for reimbursable medical services.

SECTION 56. Section 1 of chapter 55A of the General Laws, as so appearing, is hereby amended by striking out, in lines 30 and 31, the words "thirty-first day following a regular state election" and inserting in place thereof the following words:- last day that such candidate may file nomination papers with the state secretary pursuant to chapter 53.

SECTION 57. Section 3 of said chapter 55A, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "during the election cycle and".

SECTION 58. Section 17 of said chapter 55A, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) The special commission shall investigate and study the workings of the Massachusetts Clean Elections, including, but not limited to, the required number of qualifying contributions, the level of clean election amounts, expenditure limits for participants, adequacy of funding for the Massachusetts Clean Elections, the level and impact of independent expenditures in Massachusetts elections, the cost of implementation, estimated cost of compliance with this chapter by the office of campaign and political finance, and the priority of funding clean elections candidates in the event the legislature appropriates insufficient funds. The office of campaign and political finance shall consult with and provide information and assistance to said commission in the preparation of its report. Said commission shall begin to meet and conduct hearings no later than January 15, 2000 and shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and the house of representatives and the chairmen of the senate and house committees on ways and means no later than October 1, 2000. Said commission shall meet and hold hearings at least every

two years and shall report to the general court in the same manner before the first Wednesday of October in every even numbered year beginning in 2002.

SECTION 59. Chapter 59 of the General Laws is hereby amended by inserting after section 5J the following section:-

Section 5K. In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$500 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages or employment for the purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of unemployment insurance as provided in chapter 151, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws but such person while providing such services shall be considered a public employee for the purposes of chapter 258.

SECTION 60. The fourth paragraph of section 77B of chapter 60 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:- Said sale, however, should occur as immediately after foreclosure by the city or town of the rights of redemption as practicable.

SECTION 61. Said chapter 60 is hereby further amended by inserting after section 77B the following section:-

Section 77C. In the case of the sale of land acquired by a city or town after foreclosure by the city or town of the rights of redemption under a tax title or taking, the proceeds derived upon such sale, (i) shall be applied in accordance with the provisions of section 43; and (ii) any cost associated with foreclosure, including, but not limited to, auction costs, legal expenses, and advertising costs, and interest shall be retained by the municipality to be made whole; and (iii) the balance remaining, if any, shall be refunded to the record owner.

Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the revenue cost to the commonwealth and its cities and towns including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels and the current practice of other states to the joint committee on taxation, and, without the further approval of the house and senate committees on ways and means.

SECTION 62. Subsection (b) of section 2 of chapter 62 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out subparagraph (D) and inserting in place thereof the following subparagraph:-

(D) Class E gain which equals the gains from the sale or exchange of capital assets held for more than four years.

SECTION 63. Said subsection (b) of said section 2 of said chapter 62, as so appearing, is hereby further amended by striking out subparagraph (E).

SECTION 64. Subsection (c) of said section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2)(a) Losses from the sale or exchange of capital assets held for one year or less, provided, that the excess, if any, of the Part A net capital loss for the year over the Part A net capital gains for the year shall be applied against Part A interest and dividends; and provided further, that any remaining excess of the Part A net capital loss for the year shall be applied against capital gains included in Part C gross income after applying the excess of each class's net capital loss against the other classes' net capital gains in accordance with paragraph (I)(1) of subsection (e). For purposes of this subsection, any Part A net capital loss shall first be applied to any Class B net capital gain, then to any Class C net capital gain, then to any Class D net capital gain, and then to any Class E net capital gain. If Part A net capital loss for the year exceeds the Part C net capital gains for the year, then the excess, if any, of Part A net capital loss shall be a Part A capital loss under this paragraph in the succeeding taxable year.

(b) The excess, if any, of the Part C net capital losses for the year over the Part C net capital gains for the year shall be applied against capital gains included in Part A gross income after applying the excess of each class's net capital loss against other classes' net capital gains in accordance with paragraph (I)(1) of subsection (e) and after applying the excess of the Part A net capital loss against Part A interest and dividends and Part C capital gains in accordance with paragraph (2)(a) of this subsection. For purposes of this subsection, any Part A net capital gain shall first be offset by any Class B net capital loss, then by any Class C net capital loss, then by any Class D net capital loss, and then by any Class E net capital loss. If Part C net capital losses for the year exceed the Part A net capital gain for the year, then the excess, if any, of Part C net capital losses over Part A net capital gain shall be applied against any interest and dividends included in Part A gross income. The excess, if any, of the Part C net capital loss over the Part A net capital gain shall be a Part C capital loss in the succeeding taxable year.

SECTION 65. Subsection (e) of said section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraphs (G) and (H) and inserting in place thereof the following two paragraphs:-

(G) Class E net gain which equals the Class E gains over the losses from the sale or exchange of capital assets held for more than four years.

(H) Class E net loss which equals the excess of losses from the sale or exchange of capital assets held for more than four years over the Class E gains.

SECTION 66. Said subsection (e) of said section 2 of said chapter 62, as so appearing, is hereby further amended by striking out paragraphs (I) to (L), inclusive.

SECTION 67. Said subsection (e) of said section 2 of said chapter 62, as so appearing, is hereby further amended by inserting after paragraph (H) the following paragraph:-

(I)(1) The excess, if any, of one class's net capital loss for the year over that same class's net capital gain for the year shall be applied against the other classes' net capital gains included in Part C gross income in the following order: Class B net capital gain shall first be offset by the remainder of any Class C net capital loss, then by the remainder of any Class D net capital loss, and then by the remainder of any Class E net capital loss. Class C net capital gains shall first be offset by the remainder of any Class B net capital loss, then by the remainder of any Class D net capital loss, and then by the remainder of any Class E net capital loss. Class D net capital gains shall first be offset by the remainder of any Class B net capital loss, then by the remainder of any Class C net capital loss, and then by the remainder of any Class E net capital loss. Class E net capital gains shall first be offset by the remainder of any Class B net capital loss, then by the remainder of any Class C net capital loss, and then by the remainder of any Class D net capital loss. The excess, if any, of each class's net capital loss, reduced by any amount of such loss deducted under subsection (b) of section 2, shall be that class's capital loss in the succeeding taxable year.

(2) Class B, C, D, and E net gains shall be reduced by any Part B deductions in excess of Part B income, after applying the excess of each class's net capital loss against other classes' net capital gains in accordance with paragraph (I)(1) of subsection (e), and after applying the excess Part B deductions against Part A adjusted gross income in accordance with paragraph (1) of subsection (c). Any Part B deductions in excess of Part B income shall first be applied to Class B net gains, then to Class C net gains, then to Class D net gains, and then to Class E net gains. The amount deductible under this paragraph shall not exceed the amount of Part C gross income which is effectively connected with the active conduct of a trade or business of the taxpayer. Excess Part B deductions shall not be applied to increase the amount of any net capital losses and may not reduce the amount of any net capital gain below zero. The resulting amounts of net capital gain or net capital loss shall comprise Part C adjusted gross income.

SECTION 68. Section 3 of said chapter 62, as so appearing, is hereby amended by striking out, in line 70, the word "Code" and inserting in place thereof the following words:-

Code, but for purposes of this provision, the amount of allowable employment-related expenses may exceed those claimed under section 21 of the Code for taxable years beginning on or after January 1, 2001, but may not exceed a total of \$3,600 if there is one qualifying individual with respect to the taxpayer, or \$7,200 if there are two or more qualifying individuals with respect to the taxpayer for taxable years beginning before January 1, 2002, and may not exceed a total of \$4,800 if there is one qualifying individual with respect to the taxpayer, or \$9,600 if there are two or more qualifying individuals with respect to the taxpayer for taxable years beginning on or after January 1, 2002.

SECTION 69. Paragraph (a) of Part B of said section 3 of said chapter 62, as so appearing, is hereby amended by striking out subparagraph (8) and inserting in place thereof the following subparagraph:-

(8) In the case of an individual who maintains a household which includes as a member one or more individuals under the age of 12 who qualify for exemption as a dependent under section 151 of the Code, \$1,200 for taxable years beginning before January 1, 2001; but in the case of an individual who maintains a household which includes as a member (a) one or more individuals under the age of 12 who qualify for exemption as a dependent under section 151 of the Code, or (b) one or more individuals who are (i) aged 65 or older, or who are disabled, and (ii) who qualify as a dependent under section 152 of the Code, \$2,400 if there is one such dependent with respect to the taxpayer, or \$4,800 if there are two or more such dependents with respect to the taxpayer for taxable years beginning on or after January 1, 2001 but before January 1, 2002, and \$3,600 if there is one such dependent with respect to the taxpayer, or \$7,200 if there are two or more such dependents with respect to the taxpayer for taxable years beginning on or after January 1, 2002. No deduction shall be allowed under this subparagraph if a deduction is claimed under subparagraph (7). If the taxpayer is married at the close of the taxable year, the deduction provided herein shall be allowed if the taxpayer and his spouse file a joint return for the taxable year or if the taxpayer qualifies as a head of household under section 2(b) of the Code. For the purposes of this subparagraph, the term "maintaining a household" shall have the same meaning as in section 21 of the Code.

SECTION 70. Said paragraph (a) of said Part B of said section 3 of said chapter 62, as so appearing, is hereby further amended by striking out subparagraph (9) and inserting in place thereof the following subparagraph:-

(9) In the case of an individual who pays rent for his principal place of residence and such residence is located in the commonwealth, an amount equal to 50 per cent of such rent; provided, however, that such deduction shall not exceed \$3,000 for a single person, for a person that qualifies as a head of household under section two (b) of the Code, or for a husband and wife.

SECTION 71. Said paragraph (a) of said Part B of said section 3 of said chapter 62, as so appearing, is hereby further amended by adding the following subparagraph:-

(12) An amount equal to the amount of interest payments paid by the taxpayer on education debt during the taxable year. For the purposes of this subparagraph, the term "edu-

cation debt" shall mean any loan which was or is administered by the financial aid office of a two-year or four-year college at which the taxpayer, or a dependent of such taxpayer, pursuant to subparagraph (3) of paragraph (b) of Part B of this section, was enrolled as an undergraduate student and which loan has been secured through a state student loan program, a federal student loan program or a commercial lender and which loan was obtained and expended solely for the purposes of paying tuition and other expenses directly related to such undergraduate student enrollment. A taxpayer who claims a deduction under this section shall not be eligible for a deduction for the same expenses under subparagraph (1) of paragraph (d) of section 2 of this chapter.

SECTION 72. Paragraph (b) of said Part B of said section 3 of said chapter 62, as so appearing, is hereby amended by striking out subparagraph (5) and inserting in place thereof the following subparagraph:-

(5) An amount equal to the fees paid by the taxpayer within the taxable year to any agency licensed to place children for adoption on account of the adoption process of a minor child.

SECTION 73. Section 4 of said chapter 62, as so appearing, is hereby amended by striking out, in lines 15 and 16, the words "five and ninety-five hundredths" and inserting in place thereof the following figure:- 5.85.

SECTION 74. Said section 4 of said chapter 62 is hereby further amended by striking out the figure "5.85", inserted by section 73 and inserting in place thereof the following figure:- 5.80.

SECTION 75. Said section 4 of said chapter 62 is hereby further amended by striking out the figure "5.80", inserted by section 74 and inserting in place thereof the following figure:- 5.75.

SECTION 76. Subsection (c) of section 4 of said chapter 62, as so appearing, is hereby amended by striking out clauses (5) and (6).

SECTION 77. Said subsection (c) of said section 4 of said chapter 62, as so appearing, is hereby further amended by striking out the last paragraph.

SECTION 78. Section 5A of said chapter 62, as so appearing, is hereby amended by inserting after the word "determined", in line 9, the following words:- ; provided, however, that for purposes of determining the gross income of a non-resident individual from sources within the commonwealth, the provisions of sections 1 to 2A, inclusive, of chapter 63 shall apply to a partnership subject to the definition of a financial institution in clause 9 of section 1 of chapter 63 which as of January 1, 1995, was subject to supervision and examination by the commissioner of banks and whose partners have been subject to tax with respect to income from said partnership under the provisions of chapter 62 and have been filing in the commonwealth on that basis.

SECTION 79. Subsection (h) of section 6 of said chapter 62, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The credit allowed by this subsection shall equal 15 per cent of the federal credit received by the taxpayer for the taxable year.

SECTION 80. Said section 6 of said chapter 62, as so appearing, is hereby amended by adding the following subsection:-

(k) (1) As used in this subsection, the following words shall have the following meanings:-

"Cost-of-living adjustment", for any calendar year, the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for calendar year 1999.

"CPI", the consumer price index for any calendar year as defined in section 1 of the Code.

"Head of household", as defined in section 2(b) of the Code.

"Real estate tax payment", the real estate tax levied pursuant to chapter 59 on the taxpayer's residence and actually paid by the taxpayer during the taxable year, including water and sewer debt service charges assessed pursuant to subsection (n) of section 21C of chapter 59, exclusive of special assessments and delinquent interest, and less any abatement granted. For owners of residential property located in communities which have not exercised the option to assess water or sewer debt service charges pursuant to subsection (n) of section 21C of chapter 59, the real estate tax payment to be considered for purposes of calculating this credit shall also include 50 per cent of the owner's water and sewer charges actually paid in the taxable year for which the credit is sought. In the case of a multi-unit dwelling, a land area in excess of one acre or a multi-purpose building or land area, the real estate tax payment, including the water and sewer charges as applicable, shall constitute that portion of the real estate tax levied and paid, and that portion of applicable water and sewer charges actually paid, on the entire building or area, which corresponds to the portion of the area or building used and occupied as the residence of the taxpayer, in accordance with procedures established by the commissioner.

"Rent constituting real estate tax payment", 25 per cent of the rent actually paid by the taxpayer, under a good faith rental agreement, for the right of occupancy of the residence during the taxable year or a portion thereof.

"Residence", the building or portion thereof, including a mobile home, owned or rented and actually occupied by the taxpayer as the taxpayer's primary dwelling during the taxable year and located within the commonwealth, together with so much of the land surrounding it, not to exceed one acre, as is reasonably necessary to the use of the dwelling as a home. A residence may consist of a part of a multi-unit or multi-purpose building.

"Taxpayer's total income", the sum of the taxpayer's Part A adjusted gross income, Part B adjusted gross income and Part C adjusted gross income, as defined in section 2, increased by, to the extent they are excluded or subtracted from adjusted gross income, the following: the total amount of income and receipts from social security, retirement, pension, or annuities, cash, but not in-kind, public assistance, tax-exempt interest and dividends, net capital losses deducted pursuant to paragraph (2) of subsection (c) of section 2, net losses in any class of Part C adjusted gross income as defined in subsection (e) of section 2, capital gains deducted pursuant to subparagraph (K) of paragraph (1) of subsection (d) of section 2,

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income from a partnership or trust not included therein and gross receipts from any other source other than assistance received by this subsection; and reduced by the total amount of the exemptions allowed by subparagraphs (B) and (C) of paragraph (1), subparagraphs (B) and (C) of paragraph (1A), subparagraphs (B) and (C) of paragraph (2), and paragraph (3), of subsection (b) of section 3.

(2) An owner or tenant of residential property located in the commonwealth, who is 65 years of age or older, who is not a dependent of another taxpayer and who occupies said property as his principal residence, shall be allowed a credit equal to the amount by which the real estate tax payment or the rent constituting real estate tax payment exceeds 10 per cent of the taxpayer's total income, but the credit shall not exceed \$375.

(3) The credit shall be available only if:

(i) the taxpayer's total income does not exceed \$40,000 for a single individual who is not the head of a household, \$50,000 for a head of household, and \$60,000 for a husband and wife filing a joint return; and

(ii) the assessed valuation of the residence does not exceed \$400,000.

(4) For a taxable year beginning on or after January 1, 2001, the income, valuation and credit limits in this subsection shall be increased by amounts equal to such income, valuation and credit limits multiplied by the cost-of-living adjustment for the calendar year in which such taxable year begins. If any such increase in an income or valuation limit is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000. If the increase in the credit limit is not a multiple of \$10, such increase shall be rounded to the next lowest multiple of \$10.

(5) No credit shall be allowed for a married individual unless a joint return is filed.

(6) No credit shall be allowed by this subsection with respect to the real estate tax payment or rent constituting a real estate tax payment on more than one residence of any taxpayer during any taxable year, but a taxpayer whose principal place of residence changes during the course of the year may claim a credit for the real estate tax payment or rent constituting a real estate tax payment with respect to each such principal residence actually occupied during the year.

(7) The credit allowed by this subsection shall be allowed against the taxes imposed by this chapter for the taxable year, reduced by the other credits permitted by this section. If the credit exceeds the tax as so reduced, the commissioner shall treat such excess as an overpayment and shall pay the taxpayer, without interest, the amount of such excess. Any person entitled to claim any credit pursuant to this subsection and not otherwise required to file a return under section 6 of chapter 62C may obtain a refund in the amount of such credit by filing a return and claiming a refund.

(8) Any credit provided by this subsection shall not be counted as income in determining eligibility or benefits under any other means-tested assistance program, including but not limited to all such cash, food, medical, housing, energy and educational assistance programs.

(9) No credit shall be provided by this subsection if the state or federal government subsidizes the claimant's rent through any rental assistance program.

SECTION 81. Paragraph (2) of subsection (k) of said section 6 of said chapter 62, as appearing in section 80 of this act, is hereby amended by striking out the figure "\$375" and inserting in place thereof the following figure:- \$750.

SECTION 82. Said chapter 62 is hereby further amended by inserting after section 6H the following section:-

Section 6 I. (a) For the purposes of this section, unless the context clearly requires otherwise, the following words shall have the following meanings:-

"Commissioner", the commissioner of revenue.

"Compliance period", the period of 15 taxable years beginning with the first taxable year the Massachusetts low-income housing tax credit is claimed.

"Department", the department of housing and community development, or its successor agency.

"Eligibility statement", a statement authorized and issued by the department certifying that a given project is a qualified Massachusetts project. The department shall, in consultation with the commissioner, promulgate regulations establishing criteria upon which the eligibility statements will be issued. The eligibility statement shall specify the maximum annual amount of the Massachusetts low-income housing tax credit authorized. The department shall only authorize the tax credits to qualified Massachusetts projects which are placed in service on or after January 1, 2001.

"Federal low-income housing tax credit", the federal tax credit as provided in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year.

"Low-income project", a qualified low-income housing project, as defined in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, which has restricted rents that do not exceed 30 per cent of applicable imputed income limitation under said section 42 of said Code, for at least 40 per cent of its units occupied by persons of families having incomes of 60 per cent or less of the median income, or at least 20 per cent of the units occupied by persons or families having incomes of 50 per cent or less of the median income.

"Median income", the area median gross income as such term is used in section 42 of the 1986 Internal Revenue Code as amended and in effect for the taxable year, and which is determined by the federal department of housing and urban development guidelines and adjusted for family size.

"Qualified Massachusetts project", a qualified low-income housing project as that term is defined in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, which is located in the commonwealth, which meets the requirements of this section, and whose owner enters into a regulatory agreement with the department enforceable by state and local agencies.

"Regulatory agreement", an agreement between the owner of the qualified Massachusetts project and the department and recorded as an affordable housing restriction

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under chapter 184 with the registry of deeds in the county where the property is located that requires the project to be operated in accordance with the requirements of this section for not less than 30 years from the expiration date of the compliance period. Such agreement may be subordinated to the lien of a bank or other institutional lender providing financing to the qualified Massachusetts project, upon the request of such bank or lender.

"Taxpayer", a person, firm, partnership or other entity subject to the income tax imposed by the provisions of this chapter.

(b)(1) There is hereby established a Massachusetts low-income housing tax credit. The department may authorize annually, for the five year period beginning January 1, 2001, and ending December 31, 2005, under this section together with section 31H of chapter 63, the total sum of: (1) the lesser of 50 per cent of the federal per capita tax credits awarded to the commonwealth pursuant to section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, or \$4,000,000; (2) unused Massachusetts low-income housing tax credits, if any, for the preceding calendar years; and (3) any Massachusetts low-income housing tax credits returned to the department by a qualified Massachusetts project.

(2) Unless otherwise provided in this section or the context clearly requires otherwise, the department shall authorize, administer, determine eligibility for the Massachusetts low-income housing tax credit and allocate the credit in accordance with the standards and requirements as set forth in section 42 of the 1986 Internal Revenue Code; provided, however, that the combined federal and Massachusetts low-income housing tax credit shall be the least amount necessary to ensure financial feasibility.

(3) The department shall allocate the total available Massachusetts low-income housing tax credit among as many qualified Massachusetts projects as fiscally feasible, with the goal of increasing the commonwealth's stock of affordable housing units.

(c)(1) A taxpayer, if allocated a federal low-income housing tax credit with respect to a project, may be allowed a state tax credit with respect to the same qualified Massachusetts project, provided that the department issues an eligibility statement for that qualified Massachusetts project. This state tax credit shall be termed the Massachusetts low-income housing tax credit.

(2) The total Massachusetts low-income housing tax credit available to a qualified Massachusetts project shall be authorized and allocated by the department, or its successor agency, based on the qualified Massachusetts project's need for the credit for economic feasibility.

(3) The Massachusetts low-income housing tax credit shall be taken against the taxes imposed under this chapter, claimed equally for five years, subtracted from the amount of state tax otherwise due for each taxable period and shall not be refundable. Any amount of the low-income housing tax credit that exceeds the tax due for a taxable year may be carried forward to any of the five subsequent taxable years.

(4) All or any portion of tax credits issued in accordance with the provisions of this section may be allocated to parties who are eligible under the provisions of paragraph (1) of subsection (c). An owner of a qualified Massachusetts project shall certify to the commis-

sioner the amount of credit allocated to such owner. The owner of the qualified Massachusetts project shall provide to the commissioner appropriate information so that the low-income housing tax credit can be properly allocated.

(5) In the event that recapture of Massachusetts low-income housing tax credit is required pursuant to paragraph (1) or (2) of subsection (d), any statement submitted to the commissioner as provided in subsection (c) shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

(6)(i) A state tax credit allowed under this section shall not be denied to the taxpayer with respect to any qualified Massachusetts project merely by reason of a right of first refusal held by the tenants, in cooperative form or otherwise, or resident management corporation of such building or by a qualified nonprofit organization as defined in Section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, or government agency, to purchase the qualified Massachusetts project after the close of the compliance period for a price which is not less than the minimum purchase price determined under subparagraph (ii).

(ii) The minimum purchase price shall be an amount equal to the sum of the principal amount of outstanding indebtedness secured by the building, other than indebtedness incurred within the five year period ending on the date of the sale pursuant to subparagraph (i), and all federal, state and local taxes attributable to such sale.

(7) The director of the department, in consultation with the commissioner, shall promulgate regulations necessary to administer the provisions of this paragraph.

(d)(1) The owner of a qualified Massachusetts project eligible for the Massachusetts low-income housing tax credit shall submit, at the time of filing the project owner's state tax return, a copy of the eligibility statement issued by the department with respect to such qualified Massachusetts project. In the case of failure to attach the eligibility statement, a credit under this section shall not be allowed with respect to such qualified Massachusetts project for that year until the copy is provided to the department of revenue.

(2) If under Section 42 of the 1986 Internal Revenue Code, as amended, a portion of any federal low-income housing tax credits taken on a low-income project is required to be recaptured, the Massachusetts low-income housing tax credit authorized by this section with respect to such qualified Massachusetts project shall also be recaptured. The state recapture amount shall be equal to the amount of the state low-income housing tax credits previously claimed times a fraction, the numerator of which shall be the amount of recaptured federal low-income housing tax credits and the denominator of which shall be the amount of federal low-income housing tax credits previously claimed.

(e) The commissioner or the department, through the promulgation of regulations, may require the filing of additional documentation necessary to determine the eligibility or accuracy of a tax credit claimed under the provisions of this section.

(f)(1) All or any portion of tax credits issued in accordance with the provisions of this section may be transferred, sold or assigned to parties who are eligible under the provisions

of paragraph (1) of subsection (c).

(2) An owner or transferee desiring to make a transfer, sale or assignment as described in paragraph (1) of subsection (f) shall submit to the commissioner a statement which describes the amount of Massachusetts low-income housing tax credit for which such transfer, sale or assignment of Massachusetts low-income housing tax credit is eligible. The owner shall provide to the commissioner appropriate information so that the low-income housing tax credit can be properly allocated.

(3) In the event that recapture of Massachusetts low-income housing tax credits is required pursuant to paragraph (1) or (2) of subsection (d), any statement submitted to the commissioner as provided in paragraph (2) of subsection (f) shall include the proportion of the Massachusetts low-income housing tax credit required to be recaptured, the identity of each transferee subject to recapture and the amount of credit previously transferred to such transferee.

(4) The commissioner, in consultation with the department, shall promulgate regulations necessary for the administration of the provisions of paragraph (f).

(g) The department, in consultation with the commissioner, shall monitor and oversee compliance with the Massachusetts low-income housing tax credit program and may promulgate regulations requiring the filing of additional documentation deemed necessary to determine continuing eligibility for the Massachusetts low-income housing tax credit. The department or the commissioner shall report specific occurrences of noncompliance to appropriate state, federal and local authorities.

(h) Except for unused credits carried forward pursuant to paragraph (3) of subsection (c) and paragraph (3) of subsection (c) of section 31H of chapter 63, and except for credits claimed under regulations promulgated by the department consistent with the special rule set forth in paragraph (2) of subsection (f) of section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, a taxpayer shall not be eligible for any Massachusetts low-income housing tax credits for more than 11 taxable years.

SECTION 83. Section 32 of chapter 62C of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following paragraph:-

(e)(1) Notwithstanding the foregoing, no tax imposed by chapters 62, 63, 64A to 64F, inclusive, 64J to 65C, inclusive, and by section 21 of chapter 138, shall be required to be paid or shall be collected involuntarily during the period of time that the taxpayer is contesting the tax as set forth in subparagraphs (A) to (C), inclusive.

In the case of trustee taxes imposed by chapter 62B and by chapters 64G to 64I, inclusive, no tax shall be required to be paid or collected involuntarily during the period of time the taxpayer is contesting the tax as set forth in subparagraphs (A) to (C), inclusive, if the trustee taxes were not withheld by the employer or collected by the vendor.

In accordance with the foregoing, no tax shall be required to be paid or shall be collected involuntarily during the time that the taxpayer:

(A) has pending a timely application for abatement filed with the commissioner under section 37 contending that such tax is not due, or

(B) has pending a petition filed with the appellate tax board or the probate court under section 39 appealing the refusal of the commissioner to abate any such tax, or

(C) has pending an appeal from a decision on a petition described in subparagraph (B) of paragraph (1) of subsection (e) to the extent that the taxpayer has prevailed in the appellate tax board or the probate court.

(2) With respect to any assessment of tax, if only a portion of such tax is in dispute as provided in subparagraph (A) to (C), inclusive, of paragraph (1), the provisions of this subsection shall apply only to the portion that is in dispute.

(3) The amount of tax in dispute as provided in subparagraphs (A) to (C), inclusive, of paragraph (1) shall be required to be paid only after (i) the thirtieth day following the date of a decision with respect to such tax by the appellate tax board or the probate court, to the extent that the commissioner prevails before the appellate tax board or the probate court, (ii) the date of withdrawal of any petition with respect to such tax filed with the appellate tax board or the probate court, (iii) the date on which any right of appeal from a refusal or deemed refusal by the commissioner to grant an abatement of such tax expires without any such appeal having been filed, or (iv) in the case of a deficiency assessment but not a deemed assessment under paragraph (a) of section 26, the ninetieth day after the date on which the Commissioner gives notice of such assessment under section 31 or 31A if the taxpayer has not applied to the commissioner for an abatement of the tax, whichever shall first occur.

Any tax payment delayed under this subsection shall, however, continue to bear interest as provided in this section. The penalty provided under subsection (c) of section 33 shall apply only during such periods as the portion of the tax disputed is required to be paid and remains unpaid.

The statute of limitations on collections set forth in section 65 and the aging of tax liens set forth in section 50 shall be suspended during the period that payment or collection of the tax is stayed under this subsection.

(4) If the commissioner makes an assessment under section 28 or section 29 or if he at any time determines in accordance with written guidelines that (i) the collection of the tax will be jeopardized by delay, (ii) the past tax return filing or payment history of the taxpayer raises doubt as to the collection of the tax if delayed, or (iii) any application for abatement or petition is frivolous and has been filed primarily to avoid prompt payment of the tax, then the commissioner shall by written notice sent by certified or registered mail inform any taxpayer wishing to delay payment of a tax under this subsection of the requirement to deposit security, in a form satisfactory to the commissioner, equal to the unpaid amount which remains in dispute, including any interest and penalties that have accrued or may accrue, that such action is necessary to ensure the collection of such liability. Such security may include a surety bond, cash, cash equivalents, a negotiable bond or a letter of credit from a financial institution located and doing business in the commonwealth. Such security shall not be required if the portion of the tax in dispute, excluding interest and penalties that have accrued after assessment, is \$5,000 or less in the aggregate for all tax periods involved in the dispute; provided, however, that in the case of an assessment made against the partners of

a partnership, the members of a limited liability company or limited liability partnership or the shareholders of a subchapter S corporation in connection with the activities of such partnership, limited liability company, limited liability partnership or subchapter S corporation, the commissioner shall by written notice sent by certified or registered mail require such security if the total of such assessments made against all such partners, members or shareholders in the aggregate for all tax periods exceeds \$5,000. If a taxpayer fails to provide security following written notice by the commissioner, the provisions of this subsection shall not apply, and the tax shall be required to be paid within 30 days after written notice for security was given.

(5) Any dispute over the commissioner's determination that (i) the collection of the tax will be jeopardized by delay, (ii) the past tax return filing or payment history of the taxpayer raises doubt as to the collection of the tax if delayed, or (iii) any application for abatement or petition is frivolous and has been filed primarily to avoid prompt payment of the tax, shall be resolved by the appellate tax board. Within 30 days of the date of the commissioner's written notice, the taxpayer shall file a motion with the appellate tax board seeking a ruling on the commissioner's determination in accordance with rules to be prescribed by the appellate tax board. The taxpayer shall not be required to deposit security or to make payment of any amount in issue until the appellate tax board rules on the taxpayer's motion. The appellate tax board shall rule on the taxpayer's motion within ten business days.

SECTION 84. Section 37C of said chapter 62C, as so appearing, is hereby amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) The commissioner of revenue shall report to the attorney general each settlement which is described in this section and which abates more than \$200,000 in tax. The report shall include the identity of the taxpayer, the type and amount of the tax, the amount of interest and penalties, and such other information as is necessary to convey the terms of and reasons for each such settlement. The report shall be prepared on an annual basis and submitted to the attorney general within 60 days of the department of revenue's fiscal year end.

SECTION 85. Subsection (b) of section 40 of said chapter 62C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If any overpayment of tax is refunded within 45 days after the last day prescribed for filing the return of such tax, determined without regard to any extension of time for filing the return, or, in case the return is filed after such last date, is refunded within 45 days after the date the return is filed, no interest shall be allowed hereunder on such overpayment.

SECTION 86. Section 65 of said chapter 62C, as so appearing, is hereby amended by adding the following paragraph:-

The running of the period of limitations in this section on collections shall be suspended for the period during which the payment or collection of the tax is stayed pursuant to subsection (e) of section 32.

SECTION 87. Section 1 of chapter 62E of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "15B of chapter 22" and inserting in place thereof the following:- 9 of chapter 14.

SECTION 88. Section 31A of chapter 63 of the General Laws, as so appearing, is hereby amended by striking paragraphs (k) and (l) and inserting in place thereof the following two paragraphs:-

(k) The provisions of paragraphs (a) and (f) shall not be available for the taxable years ending on or after December 31, 1993 but shall be available for the taxable years beginning on or after January 1, 2004.

(l) The provisions of paragraphs (i) and (j) shall be available only for the taxable years ending on or after December 31, 1993, but shall not be available for the taxable years beginning on or after January 1, 2004; provided, however, that a corporation shall not be eligible for said credit for more than fourteen taxable years.

SECTION 89. Said section 31A of said chapter 63, as so appearing, is hereby further amended by adding the following paragraph:-

(n) Each corporation that is allowed a credit against its excise due under this section, as part of its tax return for each taxable year, shall submit a report, whose form and substance shall be determined by the commissioner of revenue, that describes for each taxable year as of the last day of such taxable year the following: (i) the number, nature and wages of jobs added or lost in the commonwealth from the previous taxable year, including (a) the number of new jobs created by the credit and (b) the number of existing jobs protected by the investment in such qualifying property; (ii) the nature of the investment made including (a) a detailed description of the qualifying property and its cost to the corporation and (b) a detailed description of the tangible financial or operational benefit to the corporation made by the investment; (iii) the corporation's taxable income in the commonwealth; (iv) book value of buildings, land and equipment in the commonwealth; (v) net capital investments in the commonwealth; (vi) net assets; (vii) capacity utilization; and (viii) the amount of credit carried forward each year. The information contained in such report shall be submitted by a corporation under the pains and penalties of perjury and shall include any additional information deemed necessary by the commissioner to substantiate the accuracy and reliability of the information contained in the report.

The commissioner of revenue shall annually prepare a comprehensive report utilizing the information received in this paragraph and other sources describing and evaluating the independent effect of the investment tax credit on the commonwealth. Said report shall contain only cumulative information for all corporations submitting reports. Said report shall set forth for all corporations submitting reports the cumulative totals in the commonwealth of the items specified in clauses (i) to (viii) and the changes in such aggregate totals from the previous taxable year. The commissioner shall review and analyze all statistical data available for the purpose of determining the economic and revenue impact of the credit provided for in this section, including, but not limited to, estimates of the revenue loss to the com-

monwealth, any increase or decrease in employment, the fiscal cost per job created, and any increase in investments.

The commissioner's report shall be filed not later than October first of each year with the clerk of the senate and the clerk of the house of representatives who shall forward the same to their respective committees on ways and means and to the joint committee on taxation. Said report of the commissioner shall be a public record.

SECTION 90. Chapter 63 of the General Laws is hereby amended by inserting after section 31F the following section:-

Section 31H. (a) For the purposes of this section, unless the context clearly requires otherwise, the following words shall have the following meanings:-

"Commissioner", the commissioner of the department of revenue.

"Compliance period", the period of 15 taxable years beginning with the first taxable year the Massachusetts low-income housing tax credit is claimed.

"Department", the department of housing and community development, or its successor agency.

"Eligibility statement", a statement authorized and issued by the department certifying that a given project is a qualified Massachusetts project. The department, in consultation with the commissioner, shall promulgate regulations establishing criteria upon which the eligibility statements shall be issued. The eligibility statement shall specify the maximum annual amount of the Massachusetts low-income housing tax credit authorized. The department shall only authorize the tax credits to qualified Massachusetts projects which are placed in service on or after January 1, 2001.

"Federal low-income housing tax credit", the federal tax credit as provided in Section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year.

"Low-income project", a qualified low-income housing project, as defined in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, which has restricted rents that do not exceed 30 per cent of the applicable imputed income limitation under said section 42 of said Code, for at least 40 per cent of its units occupied by persons or families having incomes of 60 per cent or less of the median income, or at least 20 per cent of the units occupied by persons or families having incomes of 50 per cent or less of the median income.

"Median income", the area median gross income as such term is used in section 42 of the 1986 Internal Revenue Code as amended and in effect for the taxable year, and which is determined by the federal department of housing and urban development guidelines and adjusted for family size.

"Qualified Massachusetts project", a qualified low-income housing project as that term is defined in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, which is located in the commonwealth, which meets the requirements of this section, and whose owner enters into a regulatory agreement with the department enforceable by state and local agencies.

"Regulatory agreement", an agreement between the owner of the qualified Massachusetts project in the commonwealth and the department and recorded as an affordable housing restriction under chapter 184 with the registry of deeds in the county where the property is located that requires the qualified Massachusetts project to be operated in accordance with the requirements of this section for not less than 30 years from the expiration date of the compliance period. Such agreement may be subordinated to the lien of a bank or other institutional lender providing financing to the qualified Massachusetts project, upon the request of such bank or lender.

"Taxpayer", a corporation subject to an excise imposed by the provisions of this chapter, including, without limitations, section 2, sections 20 to 23, inclusive, section 29A, section 32, section 39 and section 52A.

(b) (1) There is hereby established a Massachusetts low-income housing tax credit. The department may authorize annually, for the five year period beginning January 1, 2001, and ending December 31, 2005, under this section together with section 6I of chapter 62, the total sum of: (1) the lesser of 50 per cent of the federal per capita tax credits awarded to the commonwealth pursuant to section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, or \$4,000,000; (2) unused Massachusetts low-income housing tax credits, if any, for the preceding calendar years; and (3) any Massachusetts low-income housing tax credits returned to the department by a qualified Massachusetts project.

(2) Unless otherwise provided in this section or the context clearly requires otherwise, the department shall authorize, administer, determine eligibility for the Massachusetts low-income housing tax credit and allocate the credit in accordance with the standards and requirements as set forth in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year; provided, however, that the combined federal and Massachusetts low-income housing tax credit shall be the least amount necessary to ensure financial feasibility.

(3) The department shall allocate the total available Massachusetts low-income housing tax credit among as many qualified Massachusetts projects as fiscally feasible, with the goal of increasing the commonwealth's stock of affordable housing units.

(c)(1) A taxpayer, if allocated a federal low-income housing tax credit with respect to a project, may be allowed a state tax credit with respect to the same qualified Massachusetts project, provided that the department issues an eligibility statement for that qualified Massachusetts project. This state tax credit shall be termed the Massachusetts low-income housing tax credit.

(2) The total Massachusetts low-income housing tax credit available to a qualified Massachusetts project shall be authorized and allocated by the department, or its successor agency, based on the qualified Massachusetts project's need for the credit for economic feasibility.

(3) The Massachusetts low-income housing tax credit shall be taken against the taxes imposed under this chapter, claimed equally for five years, subtracted from the amount of state tax otherwise due for each taxable period and shall not be refundable. Any amount of

the low-income housing tax credit that exceeds the tax due for a taxable year may be carried forward to any of the five subsequent taxable years.

(4) All or any portion of Massachusetts tax credits issued in accordance with the provisions of this section may be allocated to parties who are eligible under the provisions of paragraph (1) of subsection (c). An owner of a qualified Massachusetts project shall certify to the commissioner the amount of credit allocated to such owner. The owner of the qualified Massachusetts project shall provide to the commissioner appropriate information so that the low-income housing tax credit can be properly allocated.

(5) In the event that recapture of Massachusetts low-income housing tax credits is required pursuant to paragraph (1) or (2) of subsection (d), any statement submitted to the commissioner as provided in subsection (c) shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

(6)(i) A state tax credit allowed under this section shall not be denied to the taxpayer with respect to any qualified Massachusetts project merely by reason of a right of first refusal held by the tenants, in cooperative form or otherwise, or resident management corporation of such building or by a qualified nonprofit organization, as defined in Section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, or government agency to purchase the qualified Massachusetts project after the close of the compliance period for a price which is not less than the minimum purchase price determined under subparagraph (ii).

(ii) the minimum purchase price shall be an amount equal to the sum of the principal amount of outstanding indebtedness secured by the building, other than indebtedness incurred within the five year period ending on the date of the sale pursuant to subparagraph (i), and all federal, state and local taxes attributable to such sale.

(7) The director of the department, in consultation with the commissioner, shall promulgate regulations necessary to administer the provisions of this paragraph.

(d)(1) The owner of a qualified Massachusetts project eligible for the Massachusetts low-income housing tax credit shall submit, at the time of filing the project owner's state tax return, a copy of the eligibility statement issued by the department with respect to such qualified Massachusetts project. In the case of failure to attach the eligibility statement, a credit under this section shall not be allowed with respect to such qualified Massachusetts project for that year until the copy is provided to the department of revenue.

(2) If under Section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, a portion of any federal low-income housing tax credits taken on a low-income qualified Massachusetts project is required to be recaptured, the Massachusetts low-income housing tax credit authorized by this section with respect to such qualified Massachusetts project shall also be recaptured. The state recapture amount shall be equal to the amount of the state low-income housing tax credits previously claimed times a fraction, the numerator of which shall be the amount of recaptured federal low-income housing tax

credits and the denominator of which shall be the amount of federal low-income housing tax credits previously claimed.

(e) The commissioner or the department may require the filing of additional documentation necessary to determine the eligibility or accuracy of a tax credit claimed under the provisions of this section through the promulgation of regulations.

(f)(1) All or any portion of tax credits issued in accordance with the provisions of this section may be transferred, sold or assigned to parties who are eligible under the provisions of paragraph (1) of subsection (c).

(2) An owner or transferee desiring to make a transfer, sale or assignment as described in paragraph (1) of subsection (f) shall submit to the commissioner a statement which describes the amount of Massachusetts low-income housing tax credit for which such transfer, sale or assignment of Massachusetts low-income housing tax credit is eligible. The owner shall provide to the commissioner appropriate information so that the low-income housing tax credit can be properly allocated.

(3) In the event that recapture of Massachusetts low-income housing tax credits is required pursuant to paragraph (1) or (2) of subsection (d), any statement submitted to the commissioner as provided in paragraph (2) of subsection (f) shall include the proportion of the Massachusetts low-income housing tax credit required to be recaptured, the identity of each transferee subject to recapture and the amount of credit previously transferred to such transferee.

(4) The commissioner, in consultation with the department, shall promulgate regulations necessary for the administration of the provisions of this subsection.

(g) The department, in consultation with the commissioner, shall monitor and oversee compliance with the Massachusetts low-income housing tax credit program and may promulgate regulations requiring the filing of additional documentation deemed necessary to determine continuing eligibility for the Massachusetts low-income housing tax credit. The department or the commissioner shall report specific occurrences of noncompliance to appropriate state, federal and local authorities.

(h) Except for unused credits carried forward pursuant to paragraph (3) of subsection (c) of section 6I of chapter 62 and paragraph (3) of subsection (c) of this section, and except for credits claimed under regulations promulgated by the department consistent with the special rule set forth in paragraph (2) of subsection (f) of section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, a taxpayer shall not be eligible for any Massachusetts low-income housing tax credits for more than 11 taxable years.

SECTION 91. Section 1 of chapter 64H of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "news", in line 97, the following words:- and excluding the furnishing of information by photocopy or other similar means by not for profit libraries which are recognized as exempt from taxation under ss50l(C)(3) of the Federal Internal Revenue Code.

SECTION 92. Section 6 of said chapter 64H, as so appearing, is hereby amended by adding the following paragraph:-

(rr) Sales of commercial gun safes and trigger lock devices.

SECTION 93. Section 2 of chapter 70 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Minimum required local contribution" and inserting in place thereof the following definition:-

"Minimum required local contribution", the sum of (1) the preliminary local contribution, and (2) the foundation aid percent multiplied by the standard of effort gap in any fiscal year. This sum shall be reduced by the overburden aid amount, if any, and the excess debt service amount, if any; provided, however, that in no case shall said reduction result in a reduction of net school spending to an amount less than the foundation budget amount. The minimum required local contribution shall be defined separately for each municipality's share of each district to which it belongs.

SECTION 94. Notwithstanding the definition of "preliminary local contribution" in section 2 of chapter 70 of the General Laws, for fiscal year 2001 the portion of the prior year excess debt service amount that resulted in a difference between the fiscal year 2000 foundation budget and the fiscal year 2000 required net school spending for which the department of education allocated aid equal to said difference pursuant to section 3 shall not be used to increase the product of (a) the minimum required local contribution of the prior year, and (b) one plus the municipal revenue growth factor. In any fiscal year, the equivalent excess debt service amount to said aid may not to be deducted to determine "minimum required local contribution" as defined in said section 2 of said chapter 70.

SECTION 95. Section 25 of chapter 74 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words ", the Essex agricultural and technical institute".

SECTION 96. Section 26 of said chapter 74, as so appearing, is hereby amended by striking out the last paragraph.

SECTION 97. Section 28 of said chapter 74, as so appearing, is hereby amended by striking out the last paragraph.

SECTION 98. Section 31C of said chapter 74 is hereby repealed.

SECTION 99. Said chapter 74 is hereby further amended by striking out section 33, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 33. The Bristol county agricultural school and the Norfolk county agricultural school shall be free to residents of Bristol and Norfolk counties, respectively, over 14 years of age, except that free attendance shall be limited by the capacity of the courses provided for such schools. The trustees of the Bristol county agricultural school and Norfolk county agricultural school may require the payment of tuition and related fees from each person enrolled in adult evening courses offered by said schools. The amount of tuition and related fees shall be determined by said trustees. All receipts of such tuition and related fees shall be deposited with the treasurer of the county.

SECTION 100. Section 35 of said chapter 74, as so appearing, is hereby amended by striking out the last sentence.

SECTION 101. Section 35A of said chapter 74 is hereby repealed.

SECTION 102. The General Laws are hereby amended by inserting after chapter 74 the following chapter:-

CHAPTER 74A.

INDEPENDENT AGRICULTURAL AND TECHNICAL SCHOOLS.

Section 1. Independent agricultural and technical institutes shall be public high schools operated pursuant to this chapter. The schools shall not be subject to the provisions of section 89 of chapter 71. The schools shall operate under the general supervision of the department of education and operate independently of any municipality or school committee, and shall be managed by a board of trustees. Each school shall be a body politic and corporate with all powers and duties conferred by law upon regional school districts to the extent that such powers and duties are not inconsistent with other provisions of this chapter.

Section 2. The Essex agricultural and technical institute shall be an independent agricultural and technical school pursuant to the provisions of this chapter. The Bristol and Norfolk county agricultural high schools shall not become an independent agricultural and technical school pursuant to the provisions of this chapter.

Section 3. The powers, duties and liabilities of each school shall be vested in and exercised by a board of trustees. The board of trustees shall consist of nine members appointed by the governor for terms of not more than four years, of which neither more than two nor less than one term shall expire each year. The chairperson of the board of trustees shall be designated by the governor from among the board's nine members. The term of the board of trustees of the Essex agricultural and technical institute as constituted immediately prior to the transfer date of Essex county pursuant to section 1 of chapter 34B shall expire on March 1, 2000.

For the Essex independent agricultural and technical institute, members of said board shall be selected by the governor from nominations submitted by the mayors and boards of selectmen of the cities and towns with students enrolled in the institute. At least three of said members shall reside in the municipalities of Lynn, Peabody, Salem, Methuen, Gloucester, Haverhill or Lawrence and shall be selected from a list of nominations submitted by the mayors of such cities. At least one candidate shall reside in the municipalities of Danvers, Amesbury, Middleton, Newburyport or Beverly and shall be selected from a list of nominations submitted by the mayors or boards of selectmen in such municipalities.

The remaining five members shall reside in one of the remaining municipalities in which a student of said school resides and shall be selected from a list of nominations submitted by the mayors and boards of selectmen in each such municipality. Said remaining members shall be nominated from communities based on the percentage of students enrolled, which shall be recalculated every three years. The municipalities shall be ranked according to enrollment, then separated into three categories based on enrollment. Two members shall

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be selected from municipalities with enrollments in the top third, two members shall be selected from municipalities with enrollment in the middle third and one shall be selected from municipalities with enrollments in the lower third; provided, however, that no person shall be nominated from a municipality that does not enroll students at the institute; and provided, further, that no municipality shall have more than one seat on the board.

Section 4. The primary purpose of a school is to prepare students for occupations or additional education related to agriculture, agriscience, agribusiness, the care and management of animals, horticulture, forestry and environmental science. While a school may offer other forms of vocational-technical education, as defined in section 1 of chapter 74, every school shall avoid duplication of programs offered in vocational schools located within a 20-mile radius of the school. In fulfilling its purpose, a school shall not give any preference for admission to students on the basis of residence in the particular geographical area previously known as the county within which the school was located. A school shall admit students in accordance with an admissions plan approved by the commissioner of education.

Section 5. Notwithstanding the provisions of any general or special law to the contrary, title to all real and personal property held by a county for the use of a school shall be transferred to the commonwealth upon the transfer date of a county abolished pursuant to section 1 of chapter 34B. The board of trustees of said school shall assume responsibility for the maintenance, operation and management of such property; provided, however, that the sale or lease of the property shall require special legislation.

Section 6. The board of trustees shall appoint a director of a school who shall have all the powers and duties of a school superintendent to the extent that such powers and duties are not inconsistent with other provisions of this chapter. The board of trustees shall also appoint a treasurer of a school, who shall:

(a) keep full and accurate accounts of a school's revenues, expenses, assets and liabilities, in accordance with generally accepted accounting principles as established by the governmental accounting standards board;

(b) establish the fiscal year of a school to conform to the fiscal year of the commonwealth;

(c) prudently invest all monies held in the name of a school;

(d) encumber funds and make expenditures in accordance with policies established by the board of trustees;

(e) permit the inspection of a school's books and accounts by the commissioner of education, the state auditor, the director of accounts, the inspector general or their respective designees;

(f) prepare and submit to the commissioner of education within 120 days following the close of each fiscal year such financial reports as the commissioner of education shall require, together with the opinion of an independent auditor attesting to such reports; and

(g) receive and take charge of all monies due to a school and give a bond for the

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faithful performance of his duties in accordance with the provisions of section 35 of chapter 41.

Section 7. The board of trustees shall submit to the commissioner of education not later than December 31 of each year a proposed budget for the following fiscal year. The commissioner shall either approve the budget as requested or, if he determines that the amount requested is excessive or unreasonable, shall approve a lesser amount. The commissioner shall calculate a tuition assessment for such fiscal year, equal to the amount of the approved budget less the amounts estimated to be received from state aid and other sources. The amount of state education aid for independent agricultural and technical schools shall be calculated pursuant to chapter 70 and shall be supplemented with a state appropriation pursuant to section 17 of chapter 34B. Not more than 30 days after the effective date of any law that alters the provisions of said chapter 70, the commissioner shall report the impact of any formula changes to the house and senate committee on ways and means. Said tuition assessment shall be paid by the various cities and towns in accordance with section 8.

Section 8. A school shall annually report to the commissioner of education, in conjunction with its foundation enrollment reporting pursuant to chapter 70, the city or town of residence of each student so enrolled. Notwithstanding the provisions of section 27C of chapter 29, the commissioner of education shall allocate the following year's tuition assessment among the various cities and towns in proportion to such enrollment and shall notify each city and town of its respective assessment not later than 120 days prior to the start of the fiscal year. Each tuition assessment shall be deducted from the quarterly distributions of chapter 70 aid payable to such city or town or, if such assessment exceeds the amount of chapter 70 aid payable, it shall be deducted from any other state aid payable to such city or town. The total of all tuition assessments shall be paid each quarter to each school.

Section 9. The board of trustees shall not incur expenses in any fiscal year in excess of the budget amount approved by the commissioner of education unless the trustees determine that adequate funds are available for such expenses.

Section 10. The board of trustees may borrow funds for the operation of a school and for capital improvements; provided, however, that any borrowing in excess of one year shall require the prior approval of the commissioner of education and the chief municipal official, or his designee, of every municipality with students enrolled at the school. Notwithstanding the provisions of any general or special law to the contrary, a school shall be deemed an eligible institution for financing assistance provided by the Health and Educational Facilities Authority established under chapter 614 of the acts of 1968.

Section 11. A school shall be responsible for the transportation of its students in accordance with section 7A of chapter 71 and may contract with municipalities for the provision of transportation services; provided, however, that such responsibility shall be limited to students residing in municipalities within a twenty-mile radius of the school, as determined by the commissioner of education.

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Section 12. A school shall be eligible for all grants and state aid for which regional school districts are eligible. For the purposes of section 12 of chapter 645 of the acts of 1948, the Essex agricultural and technical institute's reimbursement percentage shall be 72 per cent.

Section 13. The board of trustees shall establish and maintain a capital reserve fund for the purpose of financing necessary facility maintenance and capital improvements, either directly or through the payment of debt service.

Section 14. Sections 3, 4, 5, 5A, 5B, 7, 7C, 8A, 23, 24, 32, 37A, 37B, 37C and 37F of chapter 74 and section 12B of chapter 76 shall not apply to agricultural and technical schools under this chapter or students enrolled at such schools.

Section 15. The board of trustees may procure insurance to cover dismemberment or death and the reasonable hospital, medical and surgical expenses incurred by, or on behalf of, any student enrolled at a school as a result of injuries sustained while participating, practicing or training for participation in athletic or interscholastic sports program of the school.

Section 16. Employees of independent agricultural and technical schools shall suffer no impairment of employment rights held immediately prior to the designation of such institutions as an independent agricultural and technical school pursuant to this chapter. Such employees shall suffer no interruption of service; no impairment of seniority, retirement, civil service or other rights; no reduction in rate of compensation or salary grade; and no change in union representation. All employees shall continue their right to collectively bargain pursuant to chapter 150E and shall be considered public employees within the meaning of section 1 of said chapter 150E, subject to the definitions set forth therein.

The board of trustees shall serve as the public employer for purposes of said chapter 150E. Rights and obligations under collective bargaining agreements covering such employees that are in effect immediately prior to the designation of an institution as an independent agricultural and technical school shall be assumed by and imposed upon the board of trustees immediately upon such designation. Employees who are subject to such collective bargaining agreements shall continue to be represented by the employee organizations that are parties to such agreements until such times as those employees elect to alter such representation in accordance with said chapter 150E. The provision of this section shall not apply to employees of the Essex county agricultural school who, prior to the designation of such school as an independent agricultural and technical school, were employed exclusively in post-secondary educational programs.

The board of trustees shall be responsible for the negotiation of all necessary collective bargaining agreements; provided, however, that collective bargaining negotiations shall include representation from a chief municipal official, or his designee, from every municipality with students enrolled at the school.

The board of trustees shall submit all collective bargaining agreements to the commissioner of education, whose approval of language and terms shall be required before such collective bargaining agreement may take effect.

Section 17. Employees of a school under this chapter shall be eligible to participate in all group insurance programs and benefits administered by the group insurance commission pursuant to the provisions of section 16 of chapter 34B.

Section 18. Employees of a school under this chapter shall become members of the state retirement system pursuant to chapter 34B. Educators certified under section 38G of chapter 71 who are employed by said school and are members of the teachers' retirement system shall continue to be members of the teachers' retirement system under chapter 32.

Section 19. Employees of schools shall be considered public employees for purposes of tort liability under chapter 258, and the board of trustees of a school shall be considered the public employer for purposes of tort liability under said chapter 258.

Section 20. Notwithstanding the provisions of this chapter or any other general or special law to the contrary, for the purposes of chapter 268A, each school shall be deemed to be a state agency and the appointing official of a member of the board of trustees of such school shall be deemed to be the governor. Members of the board of trustees shall file a disclosure annually with the state ethics commission, the department of education and the governor. The form of the disclosure shall be prescribed by the state ethics commission and shall be signed under penalties of perjury. Such form shall be limited to a statement in which members of the board of trustees shall disclose any financial interest that they or a member of their immediate families, as defined in section 1 of chapter 268A have in any primary or secondary school located in the commonwealth or in any other state or with any person doing business with any primary or secondary school.

Each member of the board of trustees shall file such disclosure for the preceding calendar year with the commission within 30 days after becoming a member of the board of trustees, on or before September 1 of each year thereafter that such person is a member of the board of trustees and on or before September 1 of the year after such person ceases to be a member of the board of trustees; provided, however, that no member of the board of trustees shall be required to file such disclosure for the year in which he or she ceases to be a member of the board of trustees if he or she served less than 30 days in such year.

Section 21. The department of education may adopt regulations for the operation, maintenance, improvement and development of independent agricultural and technical schools.

Section 22. All post-secondary programs offered by the Essex Independent Agricultural and Technical Institute shall be transferred to the administration of North Shore Community College. Not later than June 30, 2000, the board of trustees of said institute and said college shall, in consultation with the secretary of administration and finance, enter into a cooperative agreement with said college regarding the use of school facilities for continued operation of such post-secondary programs on the campus of said institute and the payment of reasonable charges by said college for such use. Any employees of said institute who are employed exclusively for post-secondary education shall be transferred pursuant to chapter 34B and become employees of said community college. Tuitions paid for said associate degree program shall be collected by said community college. Employees who are

transferred to and become employees of said community college pursuant to this section shall suffer no interruption of service, no impairment of retirement rights and no reduction in rate of compensation or salary grade. Said employees shall be public employees for purposes of section 1 of chapter 150E, subject to the definitions contained therein. Those employees in a post-secondary program transferred to said community college pursuant to this provision, who hold professional staff or faculty positions, shall become members of the faculty or professional staff bargaining unit and shall be represented for collective bargaining purposes by the employee organization that represents such unit until such time as the employees in that bargaining unit elect to alter such representation in accordance with said chapter 150E.

Section 23. There is hereby established a task force to study the effects the financial impact to the commonwealth and pertinent municipalities, on educational quality and on other germane issues related to the vocational and agricultural education of the students who are enrolled or may enroll in either the Essex agricultural and technical institute or the North Shore vocational regional high school by the merging of said schools.

Said task force shall consist of 21 members which shall include the commissioner of education or his designee, who shall serve as chair, the principal of the Essex agricultural and technical institute, the superintendent of the North Shore vocational regional high school, two members of the senate who shall reside in Essex county at least one of whom shall be a member of the minority party, two members of the house of representatives who shall reside in Essex county at least one of whom shall be a member of the minority party and 14 members to be appointed by the governor, one of whom shall represent the parents of students currently enrolled in the Essex agricultural and technical institute, one of whom shall represent the parents of students currently enrolled in the North Shore vocational regional high school, a faculty member of the Essex agricultural and technical institute, a faculty member of the North Shore vocational regional high school, a member of the North Shore vocational regional high school committee, a member of the Essex agricultural and technical institute's board of trustees, the mayor a city located within Essex county, one city councilor from an Essex county municipality, one selectman from an Essex county municipality, and two town managers of towns located within Essex county.

The task force shall study and develop recommendations for the proposed consolidated school regarding: (1) the curricular offerings; (2) enrollment projections; (3) the administrative structure, including governance; (4) a pro-forma operating budget; (5) a preliminary long-range capital plan, including a building program at the current location of the Essex agricultural and technical institute, renovation, repair and new space needs, financing, expected state grants through the school building assistance program and proceeds from the possible sale of the current North Shore vocational regional high school campus; (6) legislative recommendations; (7) assessment of vocational curricular offerings at school districts which participate in either the Essex agricultural and technical institute or the North Shore vocational regional high school, as it relates to cooperative agreements or further consolidation. The task force may contract with professional consultants to assist with the analysis and to develop recommendations.

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Said task force shall submit a report to the senate and house committees on ways and means and to the clerks of the senate and house of representatives not later than December 31, 2000.

An amount not to exceed \$25,000 shall be available to the Essex agricultural and technical institute and the North Shore vocational high school for the purpose of studying a merger.

SECTION 103. Chapter 75 of the General Laws is hereby amended by inserting after section 15 the following section:-

Section 15A. There is hereby established the center for adoption research and policy, which shall be operated under the direction of the board of trustees of the University of Massachusetts and based at the Worcester campus. The center shall be responsible for conducting research and formulating policy recommendations for the commonwealth, its agencies and any private adoption agency on matters relating to the care and custody of children in foster and substitute care under the care and protection of the commonwealth and all adopted children.

The center shall respond to requests from the general court, the judiciary, the department of social services, the office of child care services and any other state or private agency involved with the placement of children into foster or substitute care homes as well as pre-adoptive or adoptive homes for consultation, research assistance, research analysis, policy development, and the promotion of educational and training programs on foster and substitute care and adoption.

The center shall maintain the confidentiality of any individual whose personal information is made available to the center pursuant to section 10 of chapter 28A, and section 5E of chapter 210, but compliance with individual confidentiality shall not prevent the publication of aggregated research information or case studies wherein personal identifiers have been removed.

State or private agencies shall forward to birth parents, foster or adoptive parents, legal guardians and others requests from the center seeking participation in center research studies, but the center shall include in such requests a clear and understandable statement explaining that individuals receiving a request are under no legal obligation to comply with any request. State or private agencies are hereby directed to consult directly with the center for the purpose of applying for public and private grants in conjunction with the center.

SECTION 104. Section 38 of chapter 75 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 7, the words "for waste prevention".

SECTION 105. The seventeenth paragraph of section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- And the registrar shall furnish at the request of the owner of a motor vehicle who has been issued such plate a distinctive emblem to be affixed to such plate which identifies the branch of the armed services in which such owner served or the wartime service in which such owner served as defined in clause Forty-third of section 7 of chapter 4.

SECTION 106. The first paragraph of section 8B of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 33, the words "one year" and inserting in place thereof the following words:- two years.

SECTION 107. Section 20 of said chapter 90, as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:-

There shall be a surcharge of \$25 on a fine assessed against any person convicted or found responsible of a violation of the provisions of section 17 or a violation of a special regulation lawfully made under the authority of section 18; but 100 per cent of the moneys collected pursuant to said surcharge shall be transferred by the registrar of motor vehicles to the state treasurer for deposit into the Head Injury Treatment Services Trust Fund established pursuant to the provisions of section 59 of chapter 10.

SECTION 108. Subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of said chapter 90, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

There shall be an assessment of \$125 against a person who, by a court of the commonwealth, is convicted of, is placed on probation for, or is granted a continuance without a finding for or otherwise pleads guilty to or admits to a finding of sufficient facts of operating a motor vehicle while under the influence of intoxicating liquor, marijuana, narcotic drugs, depressants or stimulant substances pursuant to the provisions of this section; provided, however, that moneys collected pursuant to said assessment shall be deposited by the court with the treasurer into the Head Injury Treatment Services Trust Fund established by section 59 of chapter 10. In the discretion of the court, an assessment pursuant to this paragraph may be reduced or waived only upon a written finding of fact that such payment would cause the person against whom the assessment is imposed severe financial hardship. Such a finding shall be made independently of a finding of indigency for purposes of appointing counsel. If the person is sentenced to a correctional facility in the commonwealth and the assessment has not been paid, the court shall note the assessment on the mittimus.

SECTION 109. Paragraph (a) of subdivision (2) of said section 24 of said chapter 90, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

There shall be an assessment of \$125 against a person who, by a court of the commonwealth, is convicted of, is placed on probation for or is granted a continuance without a finding for or otherwise pleads guilty to or admits to a finding of sufficient facts of operating a motor vehicle negligently so that the lives or safety of the public might be endangered pursuant to the provisions of this section; provided, however, that moneys collected pursuant to said assessment shall be deposited by the court with the treasurer into the Head Injury Treatment Services Trust Fund established by section 59 of chapter 10. At the discretion of the court, an assessment pursuant to this paragraph may be reduced or waived only upon a written finding of fact that such payment would cause the person against whom the assessment is imposed severe financial hardship. Such a finding shall be made

independently of a finding of indigence for purposes of appointing counsel. If the person is sentenced to a correctional facility in the commonwealth and the assessment has not been paid, the court shall note the assessment on the mittimus.

SECTION 110. Section 11 of chapter 90B of the General Laws, as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:-

The director may authorize any person to issue registration certificates for snow vehicles, recreational vehicles, and vessels in accordance with sections 22 and 23.

SECTION 111. Section 22 of said chapter 90B, as so appearing, is hereby amended by inserting after the word "director", in line 2, the following words:- or his agent.

SECTION 112. The second paragraph of said section 22 of said chapter 90B, as so appearing, is hereby amended by adding the following two sentences:- Any person authorized to issue registration certificates for snow vehicles, recreational vehicles, and vessels, who is not employed by the commonwealth, may charge the applicant an administrative fee in addition to the required registration fee. Said administrative fee shall not exceed \$1.50 per registration issued.

SECTION 113. The sixth paragraph of section 72Y of chapter 111 of the General Laws, as so appearing, is hereby amended by adding the following five sentences:- The rate for services provided by nursing pools to licensed nursing facilities shall not exceed 135 per cent of the median salary cost per hour for direct care nursing staff employed by nursing facilities. The division of health care finance and policy shall establish annually the limit for the rate for services provided by nursing pools to licensed nursing facilities. The division shall calculate a separate rate annually for registered nurses, licensed practical nurses and certified nurses' aids. The division may establish separate nursing pool rates by geographic region. The division shall determine the nursing pool rate limit through salary data collected from cost reports submitted annually by nursing facilities or, if necessary, by other collection tools.

SECTION 114. Section 7 of chapter 111E of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following two paragraphs:-

The division may, after holding a hearing in accordance with sections 10 to 13, inclusive, of chapter 30A refuse to grant or may suspend, revoke, limit or restrict the applicability of or refuse to renew a license or approval for the following reasons only:

- (1) failure to meet the requirements of its rules and regulations under this section;
- (2) if there is a reasonable basis for the division to conclude that there is a discrepancy between representations by a facility as to the treatment services to be afforded patients and the treatment services actually rendered or to be rendered; or
- (3) failure to comply with the provisions of section 10.

The division may temporarily suspend a license or approval in an emergency without holding a prior hearing; provided, however, that on the request of an aggrieved party, a hearing in accordance with sections 10 to 13, inclusive, of chapter 30A shall be held as soon as possible after the license or approval is suspended. A party aggrieved by a final decision

rendered by the director or a hearing officer after a hearing of the division pursuant to this section may petition for judicial review in accordance with the provisions of section 14 of said chapter 30A.

SECTION 115. The General Laws are hereby amended by inserting after chapter 111I the following chapter:-

CHAPTER 111J.

ALCOHOL AND DRUG COUNSELORS.

Section 1. As used in this section and in sections 2 to 8, inclusive, the following words shall, unless the context clearly indicates otherwise, have the following meanings:

"Approved continuing education", continuing education approved by the department, including research and training programs, college and university courses, in-service training programs, seminars and conferences designed to maintain and enhance the skills of alcohol and drug counselors.

"Approved program", a program approved by the department for the education and training of alcohol and drug counselors.

"Approved work experience", supervised work experience, approved by the department, in alcohol and drug abuse treatment, intervention and prevention.

"Department", the department of public health.

"Licensed alcohol and drug counselor I", a person licensed by the department to conduct an independent practice of alcohol and drug counseling and to provide supervision to other alcohol and drug counselors. A licensed alcohol and drug counselor I shall have received a master's or doctoral degree in behavioral sciences, including a supervised counseling practicum which meets the requirements established by the department or such equivalent educational credits as may be established by the department, shall have at least three years of approved work experience and shall have passed a licensing examination approved by the department.

"Licensed alcohol and drug counselor II", a person licensed by the department to practice alcohol and drug counseling under clinical supervision. A licensed alcohol and drug counselor II shall have completed an approved program of education, including a supervised counseling practicum which meets the requirements established by the department or such equivalent educational credits as may be established by the department, shall have at least three years of approved work experience and shall have passed a licensing examination approved by the department.

Section 2. The department shall establish the requirements for the licensing of alcohol and drug counselors practicing in the commonwealth, evaluate the qualifications of applicants, supervise licensing examinations, collect fees established for licensing and examination, grant and issue licenses to alcohol and drug counselors who satisfy the department's requirements for licensing, require and establish continuing education requirements, investigate complaints and take appropriate disciplinary action to protect the public health, safety and welfare.

The department shall establish requirements for licensed alcohol and drug counselors I and II and may establish other reasonable classifications for alcohol and drug counselors as it finds necessary and appropriate, taking into consideration different levels of education, training and work experience.

The department shall approve and issue certificates of approval of programs for the training of alcohol and drug counselors. The department shall maintain a list of approved programs as well as a current roster of persons serving as licensed alcohol and drug counselors in the commonwealth.

The department shall promulgate such rules and regulations as it deems necessary to implement the provisions of this chapter including rules and regulations establishing the educational and professional requirements for licensing alcohol and drug counselors, establishing fees for licensing and examination and governing the practice and employment of licensed alcohol and drug counselors to promote the public health, safety and welfare.

Section 3. Each applicant for a license shall furnish the department with proof of satisfactory completion of the educational, training and experience requirements for licensure, including completion of an approved program and approved work experience and proof of having passed such licensing examination as approved or administered by the department.

A person serving as a licensed alcohol and drug counselor shall apply for license renewal biennially to the department. An alcohol and drug counselor seeking license renewal shall submit proof of having successfully completed the requirements for such approved continuing education as may be established by regulations.

Applications for licenses and renewals thereof shall be submitted in accordance with procedures established by the department. Each application shall be accompanied by the payment of a fee to be determined by the department.

Section 4. Except as otherwise provided for in this chapter or by regulation, a person who is not licensed or is otherwise exempt from licensing, shall not hold himself out as a licensed alcohol and drug counselor and shall not use the title, initials or description of a licensed alcohol and drug counselor or practice or attempt to practice alcohol and drug counseling. Whoever engages in any such unauthorized action shall be subject to a fine of not less than \$500. In addition, the department may bring a petition in superior court to enjoin such action or any other violation of this chapter or a regulation of the department.

Section 5. The following individuals shall be exempt from the licensing requirements of this chapter:

(a) an educational psychologist, marriage and family therapist, mental health counselor, nurse practitioner, occupational therapist, physician, physician assistant, practical nurse, psychologist, registered nurse, rehabilitation counselor and social worker;

(b) an employee or other agent of a recognized academic institution or employee assistance program or a federal, state, county or local government institution, program, agency or facility or school committee, school district, school board or board of regents while performing alcohol and drug counseling duties solely for the respective agency or under the

jurisdiction of such agency; provided, however, that a license pursuant to this chapter need not be a requirement for employment in any state, county or municipal agency;

(c) an employee of an alcohol or drug treatment program or facility which is licensed or approved by the department pursuant to chapters 111B and 111E; provided, however, that such individual perform alcohol and drug counseling solely within or under the jurisdiction of such program or facility.

Nothing in this section shall be construed to prevent qualified members of other professions, including attorneys, Christian Science practitioners or members of the clergy, from providing alcohol or drug counseling consistent with accepted standards of their respective professions; provided, however, that no such person shall use a title stating or implying that such person is a licensed alcohol and drug counselor.

Nothing in this section shall be construed to prevent members of peer groups or self-help groups from performing peer group or self-help activities; provided, however, that no such person shall use a title stating or implying that such person is a licensed alcohol and drug counselor.

Section 6. The department shall establish procedures for consumers to file written complaints regarding an alcohol and drug counselor who is subject to requirements for licensure.

The department shall investigate all complaints relating to the proper practice of an alcohol and drug counselor holding a license and all complaints relating to any violation of this chapter or regulation of the department.

The department may conduct an adjudicatory proceeding pursuant to chapter 30A, but shall not have the power to issue, vacate, modify or enforce subpoenas pursuant to section 12 of said chapter 30A. The department may, after a hearing pursuant to said chapter 30A, deny, refuse renewal, revoke, limit or suspend a license or otherwise discipline an alcohol and drug counselor licensed pursuant to this chapter. Grounds for denial, refusal to renew, revocation, limitation, suspension or other discipline shall include the following:

- (1) fraud or misrepresentation in obtaining a license;
- (2) criminal conduct which the department determines to be of such a nature as to render such person unfit to practice as a licensed alcohol and drug counselor as evidenced by criminal proceedings resulting in a conviction, guilty plea or plea of nolo contendere or an admission of sufficient facts;
- (3) violation of any rule or regulation of the department governing the practice of alcohol and drug counselors;
- (4) violation of ethical standards which the department determines to be of such a nature as to render such person unfit to practice as a licensed alcohol and drug counselor;
- (5) other just and sufficient cause which the department may determine would render a person unfit to practice as a licensed alcohol and drug counselor.

Where denial, refusal to renew, revocation or suspension is based solely on the failure of the licensee to file timely an application or pay prescribed fees or to maintain insurance coverage as required by law or regulation, the department may act without first granting the

applicant or licensee a hearing.

Section 7. Examinations for licensed alcohol and drug counselors shall be conducted at least twice a year at times and places designated by the department. Examinations shall be written; provided, however, that portions thereof may be conducted orally. A person who has failed an examination may be admitted to the next subsequent examination.

The department may accept, in lieu of its own examination, a current certificate of any recognized certifying body issued on the basis of an examination satisfactory to the department; provided, however, that the standards of such body shall be at least as stringent as those established by the department.

Section 8. The department may issue a license without examination to an applicant whose qualifications meet the requirements for licensure established by the department if such applicant is licensed or certified in alcohol and drug counseling or a comparable field in another state wherein the requirements for licensure are deemed by the department to be equivalent to or in excess of the requirements of this chapter.

SECTION 116. Chapter 112 of the General Laws is hereby amended by adding the following ten sections:-

Section 201. The following words and phrases as used in this section and in sections 197 to 202, inclusive, shall, unless context otherwise requires, have the following meanings:

"Board", the board of registration of dietitians/nutritionists established by section 11D of chapter 13.

"Licensed dietitian/nutritionist" or "LDN", a person licensed under sections 196 to 202 of this chapter. The terms "licensed dietitian" and "licensed nutritionist" may be used interchangeably.

"Field of dietetics and nutrition", the integration and application of scientific principles of food, nutrition, biochemistry, physiology, food management, behavioral and social sciences to achieve and maintain the health of people. The field includes assessing the nutritional needs of individuals and groups of individuals based upon appropriate biochemical, anthropometric, physical, demographic, clinical, and dietary data to determine nutrient needs including enteral and parenteral nutrition; developing, evaluating and monitoring nutrition care plans that establish priorities, goals and objectives for meeting nutrient needs for individuals and groups; and advising and assisting individuals or groups of individuals on appropriate nutritional intake as part of preventive or restorative health care. Dietetics and nutrition also includes integrating information from the nutrition assessment with information on food and other sources of nutrient and meal preparation consistent with cultural background and socioeconomic status.

"Registered dietitian", a person registered by the commission of dietetic registration of the American Dietetic Association who practices the field of dietetics and nutrition.

"Nutritionist", a person concerned with food science and human nutrition, who adapts and applies food and nutrient information to the solution of food problems, the control of disease and the promotion of health, performs nutritional research, instructs groups and in-

dividuals about nutritional research, instructs groups and individuals about nutritional requirements and assists individuals about nutritional requirements, and assists individuals in developing patterns to meet their nutritional needs.

Section 202. The board shall have the following powers and duties:

(1) to promulgate regulations and adopt such rules as are necessary to regulate the field of dietetics and nutrition and the practice of licensed dietitians/nutritionists;

(2) to receive, review, approve or disapprove applications for licensing and to issue licenses;

(3) to establish administrative procedures for processing applications and renewals and to hire or appoint such agents as appropriate for processing applications and renewals;

(4) to retain records of its actions and proceedings in accordance with the public records law;

(5) to establish specifications for the licensing examination consistent with the Code of Fair Testing Practices in Education and the Standards of Educational and Psychological Testing prepared by the Committee to Develop Standards for Educational and Psychological Testing of the American Educational Research Association, The American Psychological Association and the National Council on Measurement in Education;

(6) to define by regulation the appropriate standards for education and experience necessary to qualify for licensure, and for the conduct and ethics which shall govern the practice of licensed dietitians/nutritionists;

(7) to establish administrative procedures consistent with chapter 30A for the conduct of disciplinary proceedings;

(8) to fine, censure, suspend, revoke or otherwise discipline licensees pursuant to the disciplinary proceedings provided for herein;

(9) to summarily suspend the license of licensees who pose an imminent danger to the public provided a hearing is afforded to the licensee within seven days of the board's action to determine whether such summary action was warranted;

(10) to person such other functions and duties as may be necessary to carry out the provisions of this chapter.

Section 203. An application for original license, renewal and to sit for the licensing examination shall be made on the forms approved by the board and accompanied by the appropriate fee.

The fee for original license and renewal shall be determined by the commissioner of administration and finance pursuant to the provisions of section 3B of chapter 7 which shall be established at a level sufficient to and dedicated to offsetting the cost to the division of registration for the operations of the board.

Applications for original license shall be sworn and furnish satisfactory proof that the applicant is at least 18 years old, of good moral character and has met the educational and professional experience requirements prerequisite to sitting for the licensing examination.

Educational requirements for licensure shall include:

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(1) a bachelor's degree or higher with a major course of study in dietetics and nutrition, human nutrition, nutrition education, or public health nutrition; or

(2) a bachelor's degree or higher with a reasonable threshold of undergraduate level academic credit hours in nutrition and nutrition sciences as determined by the board, from a college or university regionally accredited by the New England Association of Colleges and Schools, Inc./Commission on Institutions of Higher Education or equivalent.

Professional experience requirements for licensure shall include:

(3) a formal post baccalaureate internship approved by the board of not less than 900 hours in the field of dietetics and nutrition supervised by a licensed dietitian/nutritionist; or

(4) three years of post baccalaureate paid professional experience in the field of dietetics and nutrition; or

(5) two years of post master's degree paid professional experience in the field of dietetics and nutrition; or

(6) one year of post doctorate paid professional experience in the field of dietetics and nutrition; or

(7) such comparable experience which satisfies the board that the licensee is competent to practice as a licensed dietitian/nutritionist.

Section 204. Applicants approved by the board as having met the age, character, education and experience requirements for licensure may sit for the licensing exam by filing an application with the board or its agent. Upon attaining a passing score on the licensing examination, an applicant must apply for a license within two years by paying the required fee and filing the proper application with the board. Failure to apply for a license within two years of taking the examination may result in the applicant being re-examined at his own expense. An applicant who fails the licensing examination may be re-examined by filing a new examination application fee with the board or its agent.

Section 205. The board shall be empowered to deny or refuse to renew a license, or suspend or revoke a license or issue an order to cease and desist from certain conduct or to otherwise lawfully discipline an applicant or licensee who has,

(a) attempted to or obtained licensure by fraud or misrepresentation;

(b) engaged in unethical or unprofessional conduct, including, but not limited to, willful acts, negligence or incompetence in the course of professional practice;

(c) engaged in habitual intoxication or personal misuse of any drug, including alcohol, narcotics or controlled substance so as to adversely affect the person's ability to practice;

(d) been convicted of any offense under state or federal laws involving moral turpitude; or

(e) violated any lawful order, rule or regulation rendered or adopted by the board.

After issuing an order for revocation or suspension the board may also file a petition in equity in the superior court in the county in which the respondent resides or conducts his

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practice, or in Suffolk county, to ensure appropriate injunctive relief to expedite the secure enforcement of its order.

Section 206. No person shall hold himself out to be a licensed dietitian/nutritionist unless so licensed under the applicable provisions of this chapter. This section shall not restrict any person who does not hold himself out to be a licensed dietitian/nutritionist from the following:

(a) pursuing a degree in dietetics or nutrition at an accredited college or university and engaging in the practice of dietetics or nutrition under the supervision of a licensed dietitian/nutritionist and in accordance with professional standards of practice, provided that the person is designated by a title clearly indicating his status as a student;

(b) fulfilling the professional experience requirement in dietetic or nutrition necessary for licensure who is engaging in the practice of dietetics or nutrition under the supervision of a licensed dietitian/nutritionist and in accordance with professional standards of practice, provided that the person is designated by a title clearly indicating his status as a trainee;

(c) furnishing information regarding food, food material, or dietary supplements;

(d) furnishing information about food, food products, or dietary supplements to customers in connection with the marketing and distribution of such items;

(e) practicing a health profession that he is otherwise authorized to practice under chapter 112 of the General Laws; or

(f) practicing a health profession that includes a dietetic or nutritional practice component, including, but not limited to, holistic medicine, naturopathic medicine, homopathic medicine, macrobiotics, ayurvedic therapy, polarity therapy, shiatsu therapy, massage therapy, and herbal therapy.

Section 207. Every person licensed in accordance with this chapter shall apply to the board for renewal of license on or before the anniversary of the date of birth of the licensee next occurring more than 24 months after the date of issuance of the license and every two years thereafter. An application for renewal of license shall be approved for those applicants who provide evidence of successful completion of at least 30 hours biannually of continuing education for licensed dietitian/nutritionists as approved by the board, and provide evidence of compliance with such other requirements or equivalent requirements as approved by the board. Upon satisfactory proof of compliance with the licensing requirements for dietitians/nutritionists and successful completion of said continuing education requirement the board shall issue a renewal license showing that the holder is entitled to be licensed for two years. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee.

Section 208. The board may provide reciprocal recognition for registered, certified or licensed dietitians/nutritionists from other jurisdictions, provided that the standards of registration, certification and licensure in the jurisdiction are reasonably equivalent to those set forth in sections 198 and 199.

Section 209. (1) Any person acting or purporting to act as a licensed dietitian/nutritionist without first obtaining a license to practice under this chapter shall be

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guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$5,000 or by imprisonment for a term not to exceed one year or both.

Upon conviction of a subsequent violation, such person shall be punished by a fine of not more than \$10,000 or two years imprisonment or both.

(2) A person who receives any money or the equivalent thereof as a fee, commission, compensation or profit by, or in the consequence of a violation of any provision of this chapter, shall, in addition to any other penalty, be liable for a fine of not less than the sum of the money so received and not more than three times the sum so received as may be determined by the board.

(3) No action or suit shall be instituted nor recovery had, in any court of the commonwealth by any person for compensation for any act done or service rendered as a licensed dietitian/nutritionist, unless such person held a valid current license under this chapter at the time of offering to perform such act or service.

Section 210. Each licensed dietitian/nutritionist shall advise the board of the address of his principal place of business and all other addresses at which he is currently engaged in business. He shall immediately give written notification to the board for the change of address and apply for an amended license. He shall also advise the board in writing of his current residential address.

SECTION 117. Section 6B of chapter 115 of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the words "July first and January first" and inserting in place thereof the following words:- August 1 and February 1.

SECTION 118. Said section 6B of said chapter 115, as so appearing, is hereby further amended by striking out, in line 27, the words "July first and January first" and inserting in place thereof the following words:- August 1 and February 1.

SECTION 119. Said section 6B of said chapter 115, as so appearing, is hereby amended by striking out, in lines 32 and 33, the words "July 1 and January 1" and inserting in place thereof the following words:- August 1 and February 1.

SECTION 120. Chapter 118 of the General Laws is hereby amended by adding the following section:-

Section 12. Under section 115 (d) (1) (A) of the federal Personal Responsibility and Work Opportunity Reconciliation Act, 21 U.S.C. section 862a (d) (1) (A), the commonwealth hereby exempts all individuals domiciled in the commonwealth from section 115 (a) of the Act, 21 U.S.C. section 862a (a). Benefits under said section 115 shall not be provided to any individual who fails to comply with the terms of a sentence, parole or probation.

SECTION 121. Subsection (2) of section 9A of chapter 118E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following clause:-

(i) persons who have tested positive for the human immunodeficiency virus whose financial eligibility as determined by the division does not exceed 200 per cent of the federal poverty level.

SECTION 122. Section 16B of said chapter 118E, as so appearing, is hereby amended by striking out, in line 3, the words "thirty million dollars" and inserting in place thereof the following words:- \$51,700,000, of which \$30,000,000 shall be.

SECTION 123. The second paragraph of said section 16B of said chapter 118E is hereby amended by striking out the definition of "Eligible person", as amended by section 14 of chapter 68 of the acts of 1999, and inserting in place thereof the following definition:- "Eligible person", a resident of the commonwealth

(a) who:

is 65 years of age or older; or

(i) does not work more than 40 hours per month, and (ii) meets (A) the disability requirements of the CommonHealth program, so called, under clause (h) of subsection (2) of section 9A, notwithstanding the income eligibility requirements under said clause (h), or (B) the disability requirements of the CommonHealth program, so called, under section 16, notwithstanding the income eligibility requirements under said clause, or (C) the disability requirements of the CommonHealth program, so called, under section 16A, and

(b) is not eligible for pharmacy benefits or coverage under this chapter other than under said clause (h), said section 16 or said section 16A; and

(c) who has exhausted, either on a quarterly or annual basis, pharmacy benefits or coverage available to such a resident from a Medicare supplemental insurance policy regulated by chapter 176K or any other third party payor; and

(d) whose annual income does not exceed 200 per cent of the federal poverty level or the applicable income eligibility limits as provided in this section. For the purposes of determining eligibility under this section, countable annual income shall not include the cost of Medicare Part B premiums unless the cost of the premiums is paid by the division.

SECTION 124. Said second paragraph of said section 16B of said chapter 118E, as so appearing, is hereby further amended by striking out the definition of "Pharmacy assistance" and inserting in place thereof the following definition:- "Pharmacy assistance", the amount of \$1,250 per fiscal year, or the actual amount of covered benefits per fiscal year, whichever is less, for each eligible person for the purchase of covered benefits.

SECTION 125. The tenth paragraph of said section 16B of said chapter 118E, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The income eligibility limit shall be not less than 188 per cent of the federal poverty level.

SECTION 126. Said tenth paragraph of said section 16B of said chapter 118E, as so appearing, is hereby further amended by striking out the fifth and sixth sentences.

SECTION 127. Said section 16B of said chapter 118E, as so appearing, is hereby amended by striking out the twelfth paragraph and inserting in place thereof the following paragraph:-

Unexpended amounts at the close of the accounts payable period established by section 13 of chapter 29 shall revert as unrestricted funds to the Children's and Seniors' Health

Care Assistance Fund; provided, however, that the unexpended amounts shall be available for appropriation for pharmacy assistance benefits in the following fiscal years, subject to the provisions of section two FF of chapter 29. If pharmacy assistance payments in any fiscal year are projected to exceed the amounts appropriated for said program or, based on not less than nine months of claims and enrollment data for the current fiscal year, expenditures in the subsequent fiscal year are clearly projected to annualize beyond the expenditure cap imposed by this section, the division shall close open enrollment, institute waiting lists, or modify income eligibility levels and covered benefits to the amount appropriated therefor but, if such projection is based on expenditures in the subsequent fiscal year, the division shall not modify income eligibility levels or covered benefits until not earlier than the beginning of the subsequent fiscal year.

SECTION 128. Subsection (2) of section 16C of said chapter 118E, as so appearing, is hereby amended by adding the following sentence:- All children in the child health insurance program shall receive pharmacy benefits from the division of medical assistance.

SECTION 129. Section 23 of said chapter 118E, as so appearing, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, all holders of health insurance information, including, but not limited to, health insurers doing business in the commonwealth, all private and public entities who employ individuals in the commonwealth, and all agencies of the commonwealth, shall provide sufficient information to the division, or in the case of said agencies, shall make other arrangements mutually satisfactory to both agencies, to enable the division: (a) to identify which recipients of and applicants for medical assistance or benefits under this chapter are also or could also be beneficiaries under any policy of insurance available or in force and effect in the commonwealth; and (b) to determine the cost, scope, and terms of said policy of insurance.

SECTION 130. Section 7 of chapter 118G of the General Laws, as so appearing, is hereby amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:-

In establishing rates for nursing pools pursuant to section 72Y of chapter 111, the rate for services provided by nursing pools to licensed nursing facilities shall not exceed 135 per cent of the median salary cost per hour for direct care nursing staff employed by nursing facilities. The division shall establish annually the limit for the rate for services provided by nursing pools to licensed nursing facilities. The division shall calculate a separate rate annually for registered nurses, licensed practical nurses and certified nurses' aides. The division may establish separate nursing pool rates by geographic region. The division shall determine the nursing pool rate limit through salary data collected from cost reports submitted annually by nursing facilities or, if necessary, by other collection tools.

SECTION 131. Section 5A of chapter 119A of the General Laws, as so appearing, is hereby amended by striking out, in line 22, the words "15D of chapter 22" and inserting in place thereof the following words:- 10 of chapter 14.

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SECTION 132. Section 1 of chapter 124 of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(r) adopt policies and procedures, in consultation with the county sheriffs, establishing reasonable fees for haircuts that are provided to inmates at any county or state correctional facility. Except as otherwise provided, the commissioner or a county sheriff may charge each inmate a reasonable fee for any haircut provided. The commissioner of correction may deduct such fee from the inmate's account as provided for in section 48A of chapter 127.

SECTION 133. Chapter 127 of the General Laws is hereby amended by inserting after section 38D the following four sections:-

Section 38E. (a) The commissioner shall promulgate regulations to establish a fair, impartial, speedy and effective system for the resolution of grievances filed against the department, its officers or employees, by inmates who are committed to, held by or in the custody of the department in a state, county, or federal correctional facility, or the Massachusetts treatment center. The commissioner, in consultation with the county sheriffs, shall also promulgate regulations for the resolution of grievances filed against a county of the commonwealth, its officials or employees, by inmates who are committed to, held by, or in the custody of a county sheriff.

(b) A grievance system shall provide but not be limited to:

(1) specific maximum time limits for written replies to grievances with reasons for such replies at each decision level within the system;

(2) priority processing of grievances that are of an emergency nature, including matters in which delay would subject the petitioner to substantial risk of personal injury or other damages;

(3) safeguards to avoid reprisals against any petitioner or participant in the resolution of a grievance.

(c) Grievances that may be brought by inmates subject to the provisions of subsections (a) and (b) shall include all grievances arising out of or resulting from a condition of or occurrence during confinement, whether or not said grievance is presented in the form of petition for a writ of habeas corpus. A petition for a writ of habeas corpus seeking only release from unlawful imprisonment or restraint and no other relief shall not be subject to the provisions of this section. All applicable statute of limitations and presentment periods shall be tolled from the date of the filing of a grievance pursuant to this section until the final administrative resolution of the grievance.

Section 38F. An inmate shall not file any claim that may be the subject of a grievance under section 38E unless the inmate has exhausted the administrative remedy established pursuant to said section 38E; but the court may consider such claim if a final administrative resolution of a grievance filed pursuant to said section 38E has not been decided within 180 days from the date of filing such a grievance, or if the inmate can demonstrate to the court that exigent circumstances exist which, if delayed pursuant to the

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requirements of this section, would jeopardize the life or seriously impair the health of the inmate, or, for actions seeking equitable relief.

Section 38G. Any claim that may be the subject of a grievance under the provisions of section 38E which is pending in any court when the regulations promulgated pursuant to section 38E take effect, may be dismissed without prejudice or may be continued by the court for up to 80 days, upon a finding that a continuance or dismissal would be appropriate and in the interests of justice to permit resolution of the claim under the terms specified by the grievance procedure established in section 38E.

Section 38H. A final decision with respect to a grievance shall be subject to judicial review in accordance with section 14 of chapter 30A, in the superior court for the county in which the inmate is incarcerated or otherwise being held, or in Suffolk county. A complaint filed with the court by an inmate in accordance with this section shall be accompanied by a copy of the final decision for which review is sought, if any, and a complaint not so accompanied subject to the exclusion in section 38F shall not be accepted for filing. The availability of review under this section shall not be construed to limit any judicial remedies otherwise available.

SECTION 134. Section 129D of said chapter 127, as appearing in the 1998 Official Edition, is hereby amended by adding the following paragraph:-

Good conduct credit earned or to be earned under this section or section 129C shall be subject to reduction by order of the court upon a finding that a claim or action brought by a prisoner was frivolous and filed in bad faith in order to abuse the judicial process, or upon a determination that an inmate intentionally and in bad faith in order to abuse the judicial process has misrepresented or omitted material information in an affidavit submitted under section 27H of chapter 261.

SECTION 135. Section 2 of chapter 130 of the General Laws, as so appearing, is hereby amended by inserting after the word "director", in line 2, the following words:- or his agent.

SECTION 136. Section 4 of said chapter 130, as so appearing, is hereby amended by inserting after the word "director", in line 1, the following words:- or his agent.

SECTION 137. Section 17 of said chapter 130, as so appearing, is hereby amended by adding the following clause:-

(12) Authorize agents to sell certain permits issued pursuant to section 83 and authorize agents who are not employed by the commonwealth to charge an administrative fee for such permits not to exceed \$1.50 for each permit.

SECTION 138. Section 38 of said chapter 130, as so appearing, is hereby amended by inserting after the word "director", in line 3, the following words:- or his agent.

SECTION 139. Section 83 of said chapter 130, as so appearing, is hereby amended by inserting after the word "director", in lines 7 and 8, the following words:- or his agent.

SECTION 140. Section 27C of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting after the figure "148", in line 4, the following figure:- , 148A.

SECTION 141. Said section 27C of said chapter 149, as so appearing, is hereby further amended by inserting after the figure "148", in line 13, the following figure:- , 148A.

SECTION 142. Said section 27C of said chapter 149, as so appearing, is hereby further amended by striking out, in line 54, the words "upon the inspection of a public works or other workplace".

SECTION 143. Said chapter 149 is hereby further amended by inserting after section 44E the following section:-

Section 44E½. The commissioner of the division of capital asset management may procure construction contracts for the renovation or repair of the state house in accordance with the provisions of this section.

The procurement of a contract for the renovation or repair of the state house shall be deemed a building project for purposes of section 39A of chapter 7.

When the commissioner procures a contract for the renovation or repair of the state house as authorized by this section, the commissioner shall solicit competitive sealed proposals through issuance of a request for proposals. Said request shall include:

(1) the time and date by which proposals must be received, the address of the office to which the proposals must be delivered, and the maximum time for proposal acceptance by the division;

(2) the purchase description and all criteria that will be utilized in evaluating proposals;

(3) all contractual terms and conditions applicable to the procurement; provided, however, that the contract may incorporate by reference a plan submitted by the selected offeror for renovating or repairing the state house;

(4) a notice stating that every proposal shall be accompanied by a copy of an appropriate certificate of eligibility issued by the commissioner pursuant to section 44D, together with an update statement; and

(5) a notice stating that every proposal shall be accompanied by a certification that the offeror is able to furnish labor that can work in concert with all other elements of labor employed or to be employed at the state house.

The request for proposals may incorporate documents by reference, provided, however, that the request for proposals specifies where prospective offerors may obtain such documents. The request for proposals shall provide for the separate submission of a price proposal and shall indicate when and how the offerors shall submit the price proposal. The division shall make copies of the request for proposals available to all persons on an equal basis.

Public notice of the request for proposals for the renovation or repair of the state house shall be published in accordance with the provisions of section 44J.

The division shall not open the proposals publicly, but shall open them in the presence of at least one witness at the time specified in the request for proposals. Notwithstanding the provisions of section 7 of chapter 4, until the completion of the evaluation, or until the time for acceptance specified in the request for proposals, whichever

occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals the division shall prepare a register of proposals. The register of proposals shall be open for public inspection. The division shall open the price proposals at a later time and shall open the price proposal in a manner that ensures that the content of the price proposals is not disclosed to the individuals evaluating the proposals on the basis of criteria other than price.

The division shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other measures that will be utilized. The evaluations shall specify in writing:

- (1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable, and the reasons for such rating;
- (2) a composite rating for each proposal and the reasons for such rating; and
- (3) recommendations for revisions, if any, to each proposed plan for the renovation or repair of the State House which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

The division shall unconditionally accept a proposal except as provided by this paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time and date set for the opening of proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interest of the division or fair competition. The division shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the face of the document, the division shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The division may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

Taking into consideration price and the evaluation criteria set forth in the request for proposals, the commissioner shall determine the most advantageous proposal from a responsible, responsive, and eligible offeror. If a responsible, responsive, and eligible offeror submits the lowest price and has received a composite rating of highly advantageous on the basis of criteria other than price, then the commissioner shall determine that offeror's proposal to be the most advantageous proposal. If the offeror who submits the lowest price has not received a composite rating of highly advantageous on the basis of criteria other than price, then the commissioner may, but is not required to, determine that the lowest price proposal from among those proposals that have received a composite rating of highly advantageous on the basis of criteria other than price, is the most advantageous proposal. The commissioner may condition an award on successful negotiation of any revisions recommended in

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the evaluation and shall explain in writing the reasons for omitting any such revisions from the contract. The division shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement.

If the commissioner awards the contract to an offeror who did not submit the lowest price, the commissioner shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the anticipated performance of the selected offeror justifies the additional cost, and the division shall maintain such explanation in its files for at least six years from the date of final payment under the contract.

Prior to execution of a contract pursuant to this section, the selected offeror shall furnish to the division a payment bond and a performance bond of a surety company qualified to issue bonds in the commonwealth and satisfactory to the division each in the sum of the contract price.

SECTION 144. Section 148A of said chapter 149, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Any employer who discharges or in any other manner discriminates against any employee because such employee has made a complaint to the attorney general or any other person, or assists the attorney general in any investigation under this chapter, or has instituted, or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceedings, shall have violated this section and shall be punished or shall be subject to a civil citation or order as provided in section 27C.

SECTION 145. Section 150 of said chapter 149, as so appearing, is hereby amended by striking out, in lines 21 to 23, inclusive, the words "one hundred and forty-eight, one hundred and forty-eight B, one hundred and fifty C, one hundred and fifty-two and one hundred and fifty-two A" and inserting in place thereof the following:- 148, 148A, 148B, 150C, 152 or 152A or section 19 of chapter 151.

SECTION 146. Said chapter 149 is hereby further amended by adding the following section:-

Section 187. (a) As used in this section, the following words shall have the following meanings:-

"Health care facility", an individual, partnership, association, corporation or trust or any person or group of persons that employs health care providers, including any hospital, clinic, convalescent or nursing home, charitable home for the aged, community health agency or other provider of health care services licensed, or subject to licensing by, or operated by, the department of public health; any facility as defined in section 3 of chapter 111B; any private, county or municipal facility, department or unit which is licensed or subject to licensing by the department of mental health pursuant to section 19 of chapter 19, or by the department of mental retardation pursuant to section 15 of chapter 19B; any facility as defined in section 1 of chapter 123; the Soldiers' Home in Holyoke, the Soldiers' Home in

Massachusetts; or any facility as set forth in section 1 of chapter 19 or section 1 of chapter 19B.

"Health care provider", an individual who is a licensed health care provider under the provisions of chapter 112 including, but not limited to, registered nurses, licensed practical nurses, physicians, physician assistants, chiropractors, dentists, occupational therapists, physical therapists, optometrists, pharmacists, podiatrists, psychologists and social workers or any other health care provider who performs or has performed health care related services for and under the control of a health care facility for care-related services.

"Manager", an individual to whom a health care facility has given the authority to direct and control the work performance of the affected health care provider, who has authority to take corrective action regarding a violation of a law, rule, regulation, activity or policy or violation of professional standards of practice of which the health care provider complains or who has been designated by the health care facility on the notice required under subsection (h).

"Public body", the United States Congress, any state legislature, including the general court, or popularly elected local government body or member or health care provider thereof; any federal, state or local regulatory, administrative or public agency or authority or instrumentality thereof; any federal, state or local law enforcement agency, prosecutorial office or police or peace officer; or any division, board, bureau, office, committee or commission of any of the public bodies described herein.

"Retaliatory action", the discharge, suspension, demotion, harassment, denial of a promotion or layoff or other adverse action taken against a health care provider affecting the terms and conditions of employment.

(b) A health care facility shall not refuse to hire, terminate a contractual agreement with or take any retaliatory action against a health care provider because the health care provider does any of the following:

(1) discloses or threatens to disclose to a manager or to a public body an activity, policy or practice of the health care facility or of another health care facility with whom the health care provider's health care facility has a business relationship, that the health care provider reasonably believes is in violation of a law or rule or regulation promulgated pursuant to law or violation of professional standards of practice which the health care provider reasonably believes poses a risk to public health;

(2) provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of a law, or rule or regulation promulgated pursuant to law or activity, policy or professional standards of practice of a health care provider, by the health care facility or by another health care facility with whom the health care provider's health care facility has a business relationship, which the health care provider reasonably believes poses a risk to public health;

(3) objects to or refuses to participate in any activity, policy or practice of the health care facility or of another health care facility with whom the health care provider's health care facility has a business relationship which the health care provider reasonably believes is in

violation of a law or rule or regulation promulgated pursuant to law or violation of professional standards of practice which the health care provider reasonably believes poses a risk to public health; or

(4) participates in any committee or peer review process, files a report or a complaint, or an incident report discussing allegations of unsafe, dangerous or potentially dangerous care.

(c)(1) Except as provided in clause (2) of subsection (b), the protection against retaliatory action provided by clause (1) of said subsection (b) shall not apply to a health care provider who makes a disclosure to a public body unless the health care provider has brought the activity, policy or practice in violation of a law or rule or regulation promulgated pursuant to law or violation of professional standards of practice which the health care provider reasonably believes poses a risk to public health, to the attention of a manager of the health care provider by written notice and has afforded the health care facility a reasonable opportunity to correct the activity, policy or practice.

(2) A health care provider shall not be required to comply with paragraph (1) if he: (i) is reasonably certain that the activity, policy or practice is known to one or more managers of the health care facility and the situation is emergent in nature; (ii) reasonably fears physical harm as a result of the disclosure; or (iii) makes the disclosure to a public body for the purpose of providing evidence of what the health care provider reasonably believes to be a crime.

(d) Any health care provider or former health care provider aggrieved by a violation of this section may, within two years, institute a civil action in the superior court. Any party to such action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be available to prevailing plaintiffs. The remedies shall be in addition to any legal or equitable relief provided herein. The court may:

(1) issue a temporary restraining order or preliminary or permanent injunction to restrain continued violation of this section;

(2) reinstate the health care provider to the same position held before the retaliatory action, or to an equivalent position;

(3) reinstate full fringe benefits and seniority rights to the health care provider;

(4) compensate the health care provider for lost wages, benefits and other remuneration, and interest thereon; and

(5) order payment by the health care facility of reasonable litigation costs, reasonable expert witness fees and reasonable attorneys' fees. A health care provider may bring an action in the appropriate superior court or the superior court of the county of Suffolk for the relief provided in this subsection. The health care provider or former health care provider shall deliver a copy of the complaint to the attorney general. The attorney general shall establish and maintain a register of all complaints made by health care personnel under this section.

(e)(1) Except as provided in paragraph (2), in any action brought by a health care provider under subsection (d), if the court finds the action was without basis in law or in fact,

the court may award reasonable attorneys' fees and court costs to the health care facility.

(2) A health care provider shall not be assessed attorneys' fees under paragraph (1) if, upon exercising reasonable and diligent efforts after filing the action, the health care provider moves to dismiss the action against the health care facility, or files a notice agreeing to a voluntary dismissal, within a reasonable time after determining that the health care facility would not be found liable for damages.

(f) Whenever he believes it to be in the public interest, the attorney general may bring an action in the name of the commonwealth against any health care facility violating the provisions of subsection (b) or subsection (h). Such an action may be brought in the superior court and any party thereto may claim trial by jury. In any action under this section, in addition to the remedies the court may provide in accordance with subsection (d), the court may require the health care facility to pay to the commonwealth a civil penalty of not more than \$10,000 for each violation, as well as the cost of reasonable attorneys' fees and reasonable expert witness fees.

(g) Nothing in this section shall be deemed to diminish the rights, privileges or remedies of any health care provider under any other federal or state law or regulation or under any collective bargaining agreement or employment contract.

(h) A health care facility shall conspicuously display notices reasonably designed to inform its health care providers of their protection and obligations under this section and use other appropriate means to keep its health care providers so informed. Each notice posted pursuant to this subsection shall include the name of the persons the health care facility has designated to receive written notifications pursuant to subsection (c). Any health care facility which violates the provisions of this subsection shall be punished by a fine of not less than \$250 nor more than \$2,500. The provisions of this subsection shall be enforced by the attorney general.

(i) The attorney general may promulgate rules and regulations necessary and appropriate to enforce the provisions of this section.

SECTION 147. Section 46 of chapter 151A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 15 and 16, the words "fifteen D of chapter twenty-two" and inserting in place thereof the following words:- 10 of chapter 14.

SECTION 148. Section 1 of chapter 161A of the General Laws, as so appearing, is hereby amended by inserting after the word "rentals", in line 22, the following words:- , required deposits to reserves held under trust agreements or resolutions securing bonds, notes or credit enhancement obligations of the authority.

SECTION 149. Said chapter 161A is hereby further amended by striking out sections 12 and 12A, as so appearing, and inserting in place thereof the following section:-

Section 12. (a) The authority may issue temporary notes under this section (i) to fund temporary cash deficiencies, or (ii) in anticipation of future revenues. The authority shall consult with the finance advisory board established by section 97 of chapter 6 prior to the sale of any such notes as to the timing and terms thereof.

(b) The notes issued under this section shall be payable on or before December 31 of the year following their issue. Such notes shall be general obligations of the authority.

(c) Notes issued under this section shall be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the noteholders as may be reasonable and proper and not in violation of law, including covenants and negative covenants in relation to the financial operations of the authority and to the custody, safeguarding and application of all monies received by or for the account of the authority. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of note proceeds or other funds under such trust agreement and to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Such trust agreement may set forth the rights and remedies of the noteholders and the trustee and may restrict the individual right of action by noteholders. In addition to the foregoing, such trust agreement may contain such other provisions as the authority may deem reasonable and proper for the security of the noteholders.

(d) Notwithstanding the provisions of any general or special law to the contrary, notes issued under this section shall not have any guaranty, pledge, or support from the commonwealth other than that provided through a dedicated revenue source.

(e) Except to the extent limited by the trust agreement, the duties of state officials, the authority and its officials, city and town assessors and other city and town officials under this section or the trust agreement or otherwise relating to the levy, collection, custody, safeguarding and application of the assessments upon the cities and towns and other moneys provided in lieu thereof or in reduction thereof, including the duties of city and town assessors and other city and town officials to raise money for and to pay over the assessments, shall be enforceable in a civil action pursuant to section 5 of chapter 249 brought by the authority or the corporate trustee.

SECTION 150. Section 13 of said chapter 161A, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If at any time any principal or interest is due or about to come due on any bond or note issued or assumed by the authority, other than any principal or interest on any bond anticipation note guaranteed by the commonwealth, or any payment is due or about to come due under any other financing obligation undertaken or assumed by the authority, including without limitation a lease, a reimbursement agreement, or an interest exchange agreement, and funds to pay the same are not available, the directors shall certify to the state treasurer the amount required to meet such obligations, and the commonwealth shall thereupon pay over to the authority the amount so certified. If the commonwealth shall not make such payment within a reasonable time or shall not pay when required any applicable contract assistance under section 28, the authority or any holder of an unpaid bond or note issued or assumed by the authority or any obligee in respect of any other such financing obligation,

acting in the name and on behalf of the authority, shall have the right to require the commonwealth to pay the authority the amount remaining unpaid, which right shall be enforceable as a claim against the commonwealth. The authority or any such holder or obligee may file a petition in the superior court for Suffolk county to enforce such claim or intervene in any such proceeding already commenced, and the provisions of chapter 258 shall apply to such petition insofar as it relates to the enforcement of a claim against the commonwealth. Any such holder or obligee who shall have filed such a petition may apply for an order of said court requiring the authority to apply funds received by the authority on its claim against the commonwealth to the payment of the petitioner's unpaid obligation, and said court, if it finds such amount to be due to such holder or obligee, shall issue such an order.

SECTION 151. The General Laws are hereby further amended by striking out chapter 161A and inserting in place thereof the following chapter:-

CHAPTER 161A.

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Section 1. As used in this chapter, the following words shall, unless the context otherwise requires, have the following meanings:-

"Advisory board", the advisory board to the authority established by section 7A.

"Area constituting the authority", the service area of the authority consisting of the 14 cities and towns, the 51 cities and towns, and other served communities.

"Authority", the Massachusetts Bay Transportation Authority established by section 2.

"Board", the board of directors of the authority established by section 7.

"Capital investment program", the program of capital spending adopted by the authority each fiscal year based on a five year capital spending projection that advances the program for mass transportation of the authority.

"Department", the executive office of transportation and construction.

"Dedicated revenue source", monies provided to the authority in accordance with section 35T of chapter 10.

"Equipment", all rolling stock, and other conveyances, vehicles, rails, signal and control systems, lighting and power distribution systems, fences, station equipment, fare collection equipment, incidental apparatus and other tangible personal property, whether or not affixed to realty, required or convenient for the mass movement of persons.

"Express service", all mass transportation service provided by or under the control of the authority, whether by ownership, lease, contract or otherwise, over rights of way with fully controlled access and restricted to the use of such service exclusively or on a shared basis with other mass transportation service, including, but not limited to, rapid transit service, the Highland Branch and Mattapan high-speed services and express bus, monorail and other similar services, and such term shall also mean all commuter railroad passenger service provided by or under the control of the authority.

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"Fare revenue", the amount of money directly paid by passengers on all modes of service, provided that said revenue shall include both the fares accounted for by the authority as revenues and as credits to expenditures.

"Fifty-one cities and towns", the cities and towns of Bedford, Beverly, Braintree, Burlington, Canton, Cohasset, Concord, Danvers, Dedham, Dover, Framingham, Hamilton, Hingham, Holbrook, Hull, Lexington, Lincoln, Lynn, Lynnfield, Manchester, Marblehead, Medfield, Melrose, Middleton, Nahant, Natick, Needham, Norfolk, Norwood, Peabody, Quincy, Randolph, Reading, Salem, Saugus, Sharon, Stoneham, Swampscott, Topsfield, Wakefield, Walpole, Waltham, Wellesley, Wenham, Weston, Westwood, Weymouth, Wilmington, Winchester, Winthrop and Woburn.

"Fourteen cities and towns", the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Milton, Newton, Revere, Somerville and Watertown.

"Local service", all mass transportation service provided by or under the control of the authority, other than express service.

"Massachusetts Bay Transportation Authority State and Local Assistance Fund", the fund established pursuant to section 35T of chapter 10.

"Mass transportation facilities", all real property, including land, improvements, terminals, stations, garages, yards, shops and structures appurtenant thereto, and all easements, air rights, licenses, permits and franchises, used in connection with the mass movement of persons.

"Maximize", increase to the highest level possible consistent with the principles of sound financial planning and accepted transportation practices.

"Net operating investment per passenger-mile ratio", the ratio whereby operating expenses minus the sum of nontransportation revenues and fare revenues are divided by passenger miles and expressed as a monetary amount per mile.

"Nontransportation revenues", any and all authority revenue sources resulting from sources other than state or local taxes, state or authority bonds, federal mass transportation assistance and fares.

"Operating expense", salaries, wages, benefits, materials and supplies, and purchased transportation, excluding debt service and capital expenses, for all modes of service.

"Other served communities", the cities and towns of Abington, Acton, Amesbury, Andover, Ashburnham, Ashby, Ashland, Attleboro, Auburn, Ayer, Bellingham, Berkley, Billerica, Boxborough, Boxford, Bridgewater, Brockton, Carlisle, Carver, Chelmsford, Dracut, Duxbury, East Bridgewater, Easton, Essex, Fitchburg, Foxborough, Franklin, Freetown, Georgetown, Gloucester, Grafton, Groton, Grove land, Halifax, Hanover, Hanson, Haverhill, Harvard, Holden, Holliston, Hopkinton, Ipswich, Kingston, Lakeville, Lancaster, Lawrence, Leicester, Leominster, Littleton, Lowell, Lunenburg, Mansfield, Marlborough, Marshfield, Maynard, Medway, Merrimac, Methuen, Middleborough. Millbury, Millis, Newbury, Newburyport, North Andover, North Attleborough, Northborough, Northbridge,

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Norton, North Reading, Norwell, Paxton, Pembroke, Plymouth, Plympton, Princeton, Raynham, Rehoboth, Rochester, Rockland, Rockport, Rowley, Salisbury, Scituate, Seekonk, Sherborn, Shirley, Shrewsbury, Southborough, Sterling, Stoughton, Stow, Sudbury, Sutton, Taunton, Tewksbury, Townsend, Tyngsborough, Upton, Wareham, Way land, West Boylston, West Bridgewater, Westborough, West Newbury, Westford, Westminster, Whitman, Worcester, Wrentham, and such other municipalities as may be added in accordance with section 6 or in accordance with any special act to the area constituting the authority.

"Passenger miles", the sum of the distances ridden by each passenger for all modes of service.

"Program for mass transportation", a comprehensive, coordinated program of construction, reconstruction, and development of mass transportation facilities and equipment throughout the area constituting the authority for the benefit of the inhabitants thereof and the commonwealth that establishes a planning horizon of not more than 20 years and incorporates an ongoing capital investment program.

"Rider", a person whose residence is in one of the 14 cities or towns, one of 51 cities or towns, or one of the other served communities and uses local service or express service of the authority.

"Secretary", the secretary of the executive office of transportation and construction.

"Service quality standards", objectives established by the authority for the effectiveness and quality of each mode of service, rapid transit, light rail, bus, and commuter rail, based on measurements of: (a) comfort, (b) communication, (c) convenience, (d) rider satisfaction, (e) reliability, (f) security, and (g) environmental benefit.

"System revenues", revenues generated by the authority, excluding the dedicated revenue source and municipal assessments.

Section 2. The area constituting the authority and the inhabitants thereof are hereby made a body politic and corporate, and a political subdivision of the commonwealth, under the name of Massachusetts Bay Transportation Authority. The authority shall have power to hold property, to sue and be sued in law and equity and to prosecute and defend all actions relating to its property and affairs. The authority shall be liable for its debts and obligations, but the property of the authority shall not be subject to attachment nor levied upon by execution or otherwise. Process may be served upon the treasurer of the authority or, in the absence of the treasurer, upon any member of the board.

Section 3. In addition to all powers otherwise granted to the authority by law, the authority shall have the following powers, in each case to be exercised by the board unless otherwise specifically provided:

(a) To adopt and use a corporate seal and designate the custodian thereof.

(b) To establish within the area constituting the authority a principal office and such other offices as may be deemed necessary.

(c) To hold, operate and manage the mass transportation facilities and equipment acquired by the authority.

(d) To appoint and employ officers, including a general manager, agents, and employees to serve at the pleasure of the directors, except as may otherwise be provided in collective bargaining agreements, and to fix their compensation and conditions of employment; provided, however, the authority may bind itself by contract to employ not more than five senior officers but no such contract shall be for a period of more than five years. The authority shall annually, on or before January first, submit to the secretary of administration and finance and the house and senate committees on ways and means a schedule of salaries of all its employees and any proposed increases therein. Said secretary may make recommendations to the authority on said salary structure and shall advise the authority of the prevailing rates that the commonwealth pays for similar services.

(e) To make, and from time to time revise and repeal, by-laws, rules, regulations and resolutions.

(f) To enter into agreements with other parties, including, without limiting the generality of the foregoing, government agencies, municipalities, authorities, private transportation companies, railroads, and other concerns, providing (i) for construction, operation and use of any mass transportation facility and equipment held or later acquired by the authority; provided, that any agreement entered into by the authority for the construction or acquisition of mass transportation facilities or equipment of more than \$1,000,000, which is financed in whole or in part from the proceeds of bonds the debt service payments on which are assisted by the commonwealth or made from the dedicated revenue source, shall not become effective until approved by the secretary of transportation; and provided further, that said secretary shall notify the secretary of administration and finance of any such approval; (ii) for joint or cooperative operation of any mass transportation facility and equipment with another party; (iii) for operation and use of any mass transportation facility and equipment for the account of the authority, for the account of another party or for their joint account; or (iv) for the acquisition of any mass transportation facility and equipment of another party where the whole or any part of the operations of such other party takes place within the area constituting the authority. Any such other party is hereby given power and authority to enter into any such agreements, subject to such provisions of law as may be applicable. Any agreement with a private company under any provision of this chapter which is to be financed from the proceeds of bonds or bond anticipation notes and which provides for the rendering of transportation service by such company and for financial assistance to such company by subsidy, lease or otherwise, shall include such service quality standards for such service as the authority may deem appropriate and shall not bind the authority for a period of longer than one year from its effective date, but this shall not prohibit agreements for longer than one year if the authority's obligations thereunder are subject to annual renewal or annual cancellation by board's the authority. Such agreements may provide for cash payments for services rendered, but not more than will permit any private company a reasonable return.

(g) To establish transit facilities and related infrastructure, including terminals, stations, access roads, and parking, pedestrian access facilities and bicycle parking and access

facilities as may be deemed necessary and desirable. The authority may charge reasonable fees for the use of such facilities as it may deem desirable, or it may allow the use of such facilities free of charge.

(h) To accept gifts, grants and loans from agencies of local, state and federal governments, or from private agencies or persons, and to accede to such conditions and obligations as may be imposed as a prerequisite to any such gift, grant or loan.

(i) To provide mass transportation service, whether directly, jointly or under contract, on an exclusive basis, in the area constituting the authority and without being subject to the jurisdiction and control of the department of telecommunications and energy in any manner except as to safety of equipment and operations and, with respect only to operations of the authority with equipment owned and operated by the authority, without, except as otherwise provided in this chapter, being subject to the jurisdiction and control of any city or town or other licensing authority; provided, that schedules and routes shall not be considered matters of safety subject to the jurisdiction and control of said department. Except as otherwise provided in this chapter, the board shall determine the character and extent of the services and facilities to be furnished, and in these respects their authority shall be exclusive and shall not be subject to the approval, control or direction of any state, municipal or other department, board or commission except the advisory board as provided in this chapter. Nothing contained in this paragraph shall be construed as exempting any privately owned or controlled carrier, whether operating independently, jointly or under contract with the authority, from obtaining any license required under section 1 of chapter 59A.

(j) To operate mass transportation facilities and equipment, directly or under contract in areas outside the area constituting the authority; but only pursuant to (i) an agreement with or purchase of a private mass transportation company, part of whose operations were, at the time the authority was established, within the area constituting the authority or (ii) an agreement with a transportation area or a municipality for service between the area of the authority and that of such transportation area or municipality, where no private company is otherwise providing such service.

(k) To provide for construction, extension, modification or improvement of the mass transportation facilities in the territory of the authority; provided, that any such construction, extension, modification or improvement shall be consistent with the program and plans for mass transportation, as developed by the authority under subsection (g) of section 5, unless specifically authorized by legislation.

(l) Consistent with the program and plans for public mass transportation as provided in paragraph (g) of section 5, to conduct research, surveys, experimentation, evaluation, design and development, in cooperation with the department, and other governmental agencies and private organizations when appropriate, with regard to mass transportation facilities, equipment and services.

(m) To grant such easements over any real property held by the authority as will not in the judgment of the authority unduly interfere with the operation of any of its mass transportation facilities.

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(n) To sell, lease or otherwise contract for advertising in or on the facilities of the authority.

(o) To take real property by eminent domain in accordance with the provisions of chapter 79 or chapter 80A; provided, that land devoted to any public use other than mass transportation may be taken by the authority only (i) if any substantial interference with such public use is temporary or any permanent interference therewith is not substantial, or both, or (ii) in the case of takings not authorized by clause (i), upon providing equivalent land for such public use. Interference with the public use of a street or public utility line shall not be considered to be substantial unless the interference with the traffic or utility system of which it is a part is substantial.

(p) To issue bonds, notes and other evidences of indebtedness as hereinafter provided.

(q) Consistent with the constitution and laws of the commonwealth, the authority shall have such other powers, including the power to buy, sell, lease, pledge and otherwise deal with real and personal property, as may be necessary for or incident to carrying out the foregoing powers and the accomplishment of the purposes of this chapter.

(r) The authority may enter into contracts or agreements with the department or with any agency, authority or political subdivision of the commonwealth for the provision, at cost, of specified services either by the authority or by the department or such agency, authority, or political subdivision of the commonwealth. Such services may include, but are not limited to the following: feasibility and needs studies, transportation and construction planning, family and business relocation, and the conduct or supervision of design, construction, maintenance, management or land acquisition. Any such contract shall specify the manner of, and procedure for, payment or reimbursement for services provided or to be provided. All such agencies, authorities or political subdivisions are authorized to enter into such contracts with the authority.

Section 4. (a) In addition to the powers granted to the authority under section 3 and all other powers granted by law, the authority shall have the power to establish on a self-liquidating basis one or more separate units of mass transportation facilities and equipment to furnish, in each instance, express service or local service between specified terminal points and over a fixed route or routes. In establishing such separate units, the authority may enter into one or more unit lease arrangements with such persons, firms and corporations as the authority shall select and franchise. Each such unit lease arrangement shall provide for the following:

(i) Acquisition by the authority of real property, including easements and rights of way, necessary or desirable for the operation of such units of mass transportation facilities and equipment, parking and other related auxiliary services and facilities, by purchase or exercise of the authority's power of eminent domain under paragraph (o) of section 3;

(ii) design, construction and acquisition of mass transportation facilities and equipment;

(iii) operation of the mass transportation facilities and equipment so designed, constructed and acquired by a lessee of said facilities and equipment: (1) for a period not in

excess of 40 years; (2) at a rental or lease charge at least sufficient to discharge the authority's financial obligations incurred in connection with said unit of facilities and equipment under the authority's powers as hereinafter set forth in subsection (b); and (3) upon such provisions and conditions as to fares and other matters relating to the conduct and operation of said mass transportation facilities and equipment as the authority and lessee shall agree; and

(iv) power in the authority to cancel or terminate said unit lease arrangement at stated times which shall be not less frequent than once in each calendar year.

(b) To meet the expenditures necessary in carrying out the provisions of this section, the authority may issue bonds in accordance with the provisions of clause (4) of the first paragraph of section 13, and such bonds shall provide, in addition to other provisions allowed under this chapter, that all payments of principal and interest shall be made solely from (1) the rental or lease charges received by the authority under its lease with the lessee of mass transportation facilities and equipment as aforesaid, which said lease may be assigned by the authority to secure the obligations of said bonds; or (2) in the event the authority terminates said lease from the income derived from operation of said mass transportation facilities and equipment; provided, that bonds issued for the purposes of this section shall not be included in the computation of the bonds to which the limitations on amount contained in section 13 shall apply.

Section 5. The authority shall be subject to the following limitations, conditions, obligations and duties:

(a) The authority shall have the duty to develop, finance and operate the mass transportation facilities and equipment in the public interest, consistent with the purposes and provisions of this chapter, to provide a high standard of service to its riders, and to achieve maximum effectiveness in complementing other forms of transportation in order to promote the general economic and social well-being of the area constituting the authority and of the commonwealth. Said duty shall provide that no person shall, on the grounds of age, race, sex, religion, creed, color, sexual orientation, national origin, or handicap, be denied participation in, or the benefits of, or be otherwise subjected to discrimination under any program or activity administered or operated by or for the authority.

(b) No real estate shall be sold unless the sale shall have been advertised at least once a week for three successive weeks prior to the date of sale in a newspaper of general circulation in the city or town in which the real property to be sold is located; provided, that no such advertising shall be required if a sale or conveyance of such real estate is made to the commonwealth or any political subdivision thereof or to any agency or instrumentality of either of them. Such real property shall, unless sold to the commonwealth or any political subdivision thereof or to any agency or instrumentality of either of them, be sold to the highest bidder subject to any restrictions, covenants, or conditions the authority shall find that sound reasons in the public interest require.

(c)(i) Any concession or lease of property for a term of more than one year or development agreement shall be awarded to the highest responsible and eligible bidder therefor

unless the authority shall find that sound reasons in the public interest require otherwise. (ii) Any property which is the subject of a lease or development agreement pursuant to clause (i) shall not be subject to paragraph (o).

(d) No proposal for a systemwide change in fares of ten percent or more, or decrease in systemwide service of ten percent or more, shall be effective until said proposal shall first have been the subject of one or more public hearings and shall have been reviewed by the advisory board and shall have been the subject of an environmental notification form initiating review pursuant to sections 61 to 62H, inclusive, of chapter 30. Any systemwide increase in fares of ten percent or more shall conform to the fare policy established pursuant to paragraph (r). The authority shall increase fares only to provide needed revenue and shall not increase fares solely for the purpose of funding the stabilization fund established pursuant to section 19.

In the event of a significant change in any local service that is not systemwide, the authority shall conduct a public meeting upon petition of (i) the advisory board or (ii) 25 or more riders who reside one-half mile or less from any point on a route for which such significant service change has been proposed or implemented. For purposes of this subsection, significant changes in service shall be defined as a 75 per cent or greater increase in headways, a 50 per cent or greater decrease in the number of total daily trips, discontinuation of a route, discontinuation of off-peak, weekend or evening service on a route, or changes in the layout of the route. The public meeting shall be scheduled within one month of the receipt by the chief executive officer of a petition bearing the name or number of the affected route, and the signatures and addresses of 25 or more riders who reside one-half mile or less from any point on the affected route or the signature of the chair of the advisory board. The authority shall provide written notice of the meeting 10 days prior to the meeting to elected officials from the affected area, the sponsors of the petition, and, at the authority's discretion, any other public and private groups, organizations and persons who are affected by the significant change or who have provided the authority with reasonable notice of their desire to participate in the public meeting. The authority shall be represented at this meeting by the chief executive officer or his designee, a representative of the service planning section of the authority who is familiar with the affected route, and a representative of the community affairs section. The public meeting shall be conducted in the evening hours in a location nearby or in the area serviced by the route for which significant changes have been proposed or implemented. The authority shall present the reasons for the significant changes and shall describe any public transportation alternative services available to users of the affected route. Persons in attendance at the public meeting shall be provided with the opportunity to demonstrate their need for the service which has been changed and to make suggestions for restoration of service or for alternatives. Within one month after the public meeting the authority shall provide a written notification to all persons who received written notice of the meeting the results of the authority's reconsideration of the significant service change.

(e) The board shall not establish a fare in excess of one-half the regular adult cash fare for pupils of public day or evening schools, pupils of private day schools or private evening schools or industrial day or evening schools giving substantially the same character and grade of instruction as the schools conducted at public expense and of a not higher grade than a high school for transportation between such schools and their homes, or for children between the ages of five and 11 years, inclusive, or for persons 65 and older who reside within the commonwealth, or for persons with disabilities who reside within the commonwealth. Any such fare so established shall provide for free transfer privileges.

(f) If the authority seeks to contract for local and express bus services theretofore performed by authority employees, it shall conduct a public hearing in each of the affected areas. The authority shall cooperate with the chief executive officers of each of the cities and towns in the affected areas to determine the appropriate, geographically convenient locations at which such hearings shall be held. Said hearings shall be held within 30 days after the authority's requests for proposals and before the awarding of a contract for said services. The authority shall provide written notice 10 days before the hearing to elected officials from affected areas. The authority shall be represented at the meeting by the general manager or his designee and a representative of the authority who is familiar with the proposed contract. The public hearing shall be conducted in the evening hours in a location in the area to be affected by said proposed contract. The authority shall present reasons for the proposed contract. Persons in attendance at the public hearing shall have a reasonable opportunity to ask questions and present reasons why such proposed contract shall not be executed. Within 30 days after said hearing and before the execution of any contract, the authority shall give written notice of its decision and the reasons therefor to persons who received written notice of the hearing. The authority shall continue to conduct public hearings pursuant to this subsection each year the contract is in effect. Nothing in this paragraph shall be construed as affecting the applicability of sections 52 to 55, inclusive, of chapter 7 to any such contract.

(g) The authority shall establish a program for mass transportation consistent with the provisions of this chapter. The program for mass transportation and any revisions thereto shall be subject to the approval of the advisory board. Said program shall be reviewed not less than every five years to evaluate the achievement of its aims and to re-evaluate its conformity with the provisions of this chapter.

Said program for mass transportation and any plans specified therein shall be implemented by the capital investment program, including a rolling five-year plan. The capital investment program and plans of the authority shall be based on an evaluation of the impact of each proposed capital investment on the effectiveness of the commonwealth's transportation system, service quality standards, the environment, health and safety, operating costs, the prevention or avoidance of deferred maintenance, and debt service costs. Capital investments that result in the greatest benefits with the least cost, transit commitments made in connection with the central artery project, so-called, capital improvements required under the Americans with disabilities act, and capital expenditures for an ongoing schedule of main-

taining the equipment and mass transportation facilities of the authority, shall receive the highest priority under said capital investment program and plans.

Said ongoing schedule of maintenance shall be designed to prevent the deferral of routine and scheduled maintenance, and shall be undertaken prior to investing in new facilities or service expansion, unless the latter required by law or can be demonstrated to be cost-effective, environmentally beneficial or produce quantifiable savings.

The capital investment program shall be prepared on an annual basis, under the direction, control and supervision of the authority. The program adopted by the board, including plans for each project funded therein, shall be available for public inspection and submitted to the department, the joint committee on transportation and the senate and house committees on ways and means not later than 60 days prior to the start of the fiscal year.

Said program for mass transportation, the capital investment program and the plans for each such project funded therein shall be developed in conjunction with other transportation programs and plans proposed by the department, including any plans of regional transit authorities established pursuant to chapter 161B. Said programs shall be further developed in consultation and cooperation with the department, and in consultation with the department of housing and community development, the metropolitan area planning council, the executive office of environmental affairs, and such other agencies of the commonwealth or of the federal government as may be concerned with said program and plans.

The plans for each project included in the capital investment program shall identify the purpose and intended benefits of each project, the total budget and timeline necessary to complete each project, the amount of said total which is budgeted for each project in the next fiscal year, the operating costs and savings, if any, anticipated to be incorporated in the operating budget of the authority upon completion of each project, the proposed operating costs and costs of routine and scheduled maintenance associated with each project upon its completion, and the expected useful life of each project.

The capital investment program shall be based on a rolling five-year plan, updated annually, that establishes the priorities and cashflow needs of the capital borrowing program of the authority. The five year plan shall be accompanied by a timeline for the implementation of the projects and priorities established therein and comprehensive financial estimates of the capital and operating costs and revenues associated with each project established by the plan.

The authority shall conduct a series of public meetings within 30 days of issuance of an initial draft of the capital investment program and shall submit a final capital investment program to the advisory board, for its review, no later than January 15 of each year.

The authority shall be responsible for the architectural, engineering design, and the construction of mass transportation facilities and for the operation thereof.

(h) The authority shall on or before April 1 of each year, render to the department, the governor, the advisory board, and the general court, a report of its operations for the preceding calendar year, including therein a description of the organization of the authority,

its service quality standards, trends in revenue and ridership, service improvements and recommendations for legislation, if any, and the program for mass transportation as most recently revised.

(i) Any agreement entered into by the authority with a municipality outside of the territory of the authority for service to such municipality directly by the authority, or through agreement with a private company, shall provide for reimbursement by such municipality to the authority only for the net additional expense of such service as determined by the authority. Such agreements may be for such terms, not exceeding five years, as the parties may determine, except as provided in paragraph (f) of section 3. They shall not be subject to the provisions of section 4 of chapter 40 or section 31 of chapter 44. Municipalities may appropriate from taxes or from any available funds to meet their obligations under any such contracts.

(j) Any private company lawfully providing mass transportation service in the area constituting the authority at the time the authority is established may continue to operate the same route or routes and levels of service as theretofore, and may conduct such further operations as the authority may permit in the future with or without a contract; provided, that the authority shall in all respects have the same powers and duties in respect to such private carriers as are provided by law for the department of telecommunications and energy except as to safety of equipment and operations, schedules and routes not being, however, considered safety of equipment and operations for the purposes of this paragraph; and provided further, that whenever the authority desires to add new routes for service in any area, it shall give preference in the operation of such routes to the private carrier then serving such area unless the authority concludes that such carrier has not demonstrated an ability to render such service according to the standards of the authority, that such service can be operated directly by the authority at substantially lesser expense to the authority and the public than if operated by such private carrier, or that for substantial and compelling reasons in the public interest operation by such private carrier is not feasible.

(k) The board of directors is hereby authorized and directed to promulgate such rules, regulations and procedures, including public hearings, as are necessary and appropriate to provide the following parties the timely opportunity to participate in the development of major transportation projects designed by the authority, as defined by the directors, and to review and comment thereon: (i) state, regional and local agencies and authorities affected by said projects; (ii) elected officials and riders or potential riders from cities and towns affected by said projects; (iii) other public and private organizations, groups and persons who are affected by, and who have provided the board with reasonable notice of their desire to participate in the development of the design of said projects. In this section, the words "timely opportunity" shall mean sufficiently early in the design process so as to permit comments to be considered prior to the final development of or commitment to any specific design for such project.

(l) The authority, during construction projects, may require the relocation or removal of public utility facilities; provided, that if such project is in whole or in part funded by a federal grant, the authority may reimburse said utility for such costs of relocation and

removal as may be agreed upon by said utility and the authority.

(m) The authority shall provide gate attendants daily from seven o'clock ante meridian until two o'clock ante meridian on the following day, on High street in the city of Medford at the railroad crossing.

(n) No alcoholic beverages shall be sold on any of the properties under the supervision and control of the authority, its tenants or lessees; provided, however, that this subsection shall not apply to properties used for railroad purposes, as defined in chapter 160, including all properties used for railroad-related purposes, including, but not limited to, railroad stations and terminals.

(o) No person shall have in his possession on a facility or conveyance under the supervision or control of the authority, alcoholic beverages with the intent to consume same on said facility or conveyance except as provided in paragraph (n). A violation of this subsection shall be punishable as provided in section 40A of chapter 272 and said alcoholic beverages shall be forfeited to said authority.

(p) To create, after public hearing and in consultation with the advisory board, mechanisms for ensuring reliable, high-quality and cost-effective operations by establishing and implementing service quality standards.

(q) To promote, in consultation with the advisory board, maximization of fare revenue and nontransportation revenue, described herein, through reasonable and equitable fares, ridership growth, and transit-oriented development of land and air rights controlled by the authority.

(r) To adopt, and revise as appropriate, a fare policy which addresses fare levels, including discounts, fare equity and a fare structure, including, but limited to, fare media and passes. Said fare policy shall include a system for free or substantially price-reduced transfer privileges.

Section 6. Any city or town seeking to receive transportation service from the authority, may place upon the official ballot at any biennial or regular or special city election or annual or special town election the following question:

"Shall this (city, town) be added to the Massachusetts Bay Transportation Authority?"

Yes.: _____ No.: _____;

Such question shall not be placed upon the official ballot unless the city council or town meeting shall have voted to have such question so placed or unless a petition signed by not less than 5 per cent of the registered voters of the city or town, certified as such by the registrars of voters thereof, shall have been filed with the city or town clerk, at least 90 days before the date of any such election. Forms for such petitions shall be made available without cost by the city or town clerk and each form shall bear the following heading:

"The undersigned registered voters of the (city, town) hereby petition for the placement upon the official ballot of the question whether this (city, town) shall be added to the Massachusetts Bay Transportation Area".

The votes upon such question shall be counted and returned to the city or town clerk in the same manner as votes for candidates in municipal elections. Said clerk shall forthwith

notify the authority of the results of the vote. If a majority of the votes cast upon the question shall be in the affirmative, the city or town shall be deemed to be added to the authority effective on the first day of January next following the notification by the clerk. If the city council or town meeting of more than one city or town shall vote to have such question placed on the official ballot, or if a petition signed as provided in this section shall be filed with more than one city or town clerk, and if such combination of cities or towns, if regarded as a single municipality, would be contiguous to the area constituting the authority, such question shall be placed upon the official ballot in each such city or town. The votes upon such questions shall be counted and returned to each city or town clerk in the same manner as votes for candidates in municipal elections. The city or town clerks for each said city or town shall forthwith notify the authority of the result of its vote. If a majority of the votes cast upon the vote in each city or town shall be in the affirmative, each said city or town shall be deemed to be within the authority effective on the first day of January next following the notifications by the clerks. The authority may not provide service to a city or town that fails to join the transportation area, unless such city or town was receiving service as of July 1, 2000.

Section 7. The authority shall be managed by a board of nine directors, one of whom shall be the secretary who shall serve as chairman of the board and shall not be compensated therefor, and eight of whom shall be appointed by the governor to two year terms beginning July 1 and who shall be eligible for reappointment. The directors appointed by the governor shall consist of one selected from a list provided by the mayor of Boston, one selected from a list provided by the chief executive officers, as defined in section 7 of chapter 4, of the 14 cities and towns excluding Boston, and one selected from a list provided by the metropolitan area planning council on behalf of the 51 cities and towns and other served communities. One of the appointees of the governor shall be experienced in transportation, one shall be a member of a national or international labor organization, one shall be experienced in environmental protection, one shall be experienced in administration and finance and one shall be experienced in consumer protection. No more than five of the nine directors shall be members of the same political party. No fewer than seven of the directors shall be residents of the area constituting the authority. Any director, except the chairman, may be removed for cause by the governor. In event of a vacancy, a successor shall be named in the same manner as the vacated director and such successor shall serve for the remainder of the unexpired term. The provisions of section 3 of chapter 12 shall not apply to said board of directors. The eight directors appointed by the governor shall receive a salary of \$7,500. A majority of the directors shall constitute a quorum, but a majority vote of the entire membership of the board of directors shall be required to take any particular action. The directors shall meet monthly, provided that said meeting shall occur no later than the fifteenth day of the month. Each meeting shall provide a sufficient opportunity for public comment.

Section 7A. There shall be an advisory board to the authority consisting of a rep-

representative of each city or town paying an assessment to the authority. Each such representative shall be, in the case of a Plan D or Plan E city, the city manager, in the case of every other city, the mayor, or the chairman of the board of selectmen of every town. Each city manager, mayor, or chairman may appoint a designee, who shall be a rider as defined herein, to act for him on the advisory board by filing the name of said designee with the authority.

The total voting strength of cities and towns on the advisory board shall be no less one than vote for each city or town together with additional votes calculated by multiplying one and one-half times the total number of cities and towns paying assessments to the authority by a fraction of which the numerator shall be the total amount of all assessment made by the state treasurer to such city or town under this chapter and the denominator shall be the total amount of all assessment made by the state treasurer to all such cities and towns. The determination of votes shall be based upon the most recent annual assessment. The total vote of each city and town shall be determined by the authority and delivered in writing to the executive director of the advisory board 30 days after the state treasurer has sent the warrants for payments to the cities and towns. Until the determination of voting strength by the authority in the year 2001, each city and town shall receive the same proportion as the previous year and each additional city and town will receive one vote.

Whenever the approval of the advisory board, or of the 14 cities and towns or of the 51 cities and towns or of the other served communities, is required for any appointment or action by the governor or the authority, such approval shall be deemed to have been granted unless, in the case of the annual budget, within 90 days of the submission thereof, and in the case of any other action or appointment with thirty days of the submission thereof, the advisory board, 14 cities and towns or the 51 cities and towns or the other served communities has or have communicated its or their disapproval to the governor or to the authority in writing, or in the case action on a proposed budget, the advisory board's qualified approval.

Any notice or submission hereunder to the advisory board or to the 14 cities and towns or to the 51 cities and towns or to the other served communities shall be given in such manner as the governor or authority deems reasonable.

Except as otherwise provided by vote of the advisory board or of the 14 cities and towns or of the 51 cities and towns or of the other served communities, respectively, a meeting may be called by the representative or representatives of cities and towns having 5 per cent or more of the votes of the advisory board or of 14 cities and towns or of 51 cities and towns or of the other served communities, as the case may be. The first meeting of the 14 cities and towns and of the 51 cities and towns and of the other served communities, which shall be immediately followed by the first meetings of the 14 cities and towns and of the 51 cities and towns and of the served communities shall be held as soon as practicable upon the call of the governor. The advisory board shall act by a majority vote, except that it may delegate its power of approval to an executive committee formed and elected pursuant to duly adopted by-laws of the board and constituting among its members as least one-half

of the total vote of the board, and may at any time, revoke such delegation provided that not such executive committee shall be empowered to approve the governor's appointments to the board of directors.

The advisory board may incur expenses, as authorized by majority vote of such board, for staff, stenographic, clerical and other purposes. Such expenses as do not annually exceed 0.25 per cent of the assessment upon member communities shall be paid by the authority.

Section 8. The commonwealth shall provide financial assistance to the authority through periodic draws by the authority from the Massachusetts Bay Transportation Authority State and Local Contribution Fund in accordance with section 35T of chapter 10. Receipts credited to said fund shall consist of (i) the base revenue amount or the dedicated sales tax revenue amount as said amounts are defined by said section 35T, and (ii) all assessments received pursuant to section 9. The receipts credited to said fund shall, except as provided in subsection (d) of section 12, section 13, or section 18, meet the full financial obligation of the commonwealth to the authority.

Section 9. Notwithstanding the provisions of any general or special law to the contrary, all cities and towns of the authority shall contribute to the Massachusetts Bay Transportation Authority State and Local Assistance Fund an amount in the aggregate not less than \$136,026,868 which, after fiscal year 2006, shall be adjusted each July 1 by the growth rate of the inflation index over the preceding 12 months; provided, that, after said fiscal year, in no case shall said assessment exceed 102.5 per cent of the previous year's assessment. Each municipality's share of said assessment shall equal its weighted percentage of the total population of the authority. For the purposes of this calculation, said weights shall be as follows: Boston, 18; Brookline and Cambridge, 12; the 14 cities and towns excluding Boston, Brookline and Cambridge, 9; the 51 cities and towns, 3; other served communities, 1. Population shall mean population as most recently estimated and published by the United States Census Bureau. On or before March 1 of each year, the authority shall certify to the state treasurer the amount to be assessed to each city and town as aforesaid on account of the ensuing fiscal year, and the state treasurer shall, on behalf of commonwealth, assess each such city and town on account of such year in accordance with the provisions of section 20 of chapter 59. Beginning on July 1, 2001, a city or town that is also a member of a regional transit authority pursuant to section 2 of chapter 161B or which has otherwise joined such an authority shall have 100 per cent of the amount assessed for the operation of such regional transit authority credited against its share of the assessment made under this section. The total amount of regional transit authority credits authorized herein shall be reassessed to the 14 cities and towns and the 51 cities and towns based on the weighted percentage of said cities and towns' share of the population of said 14 and 51 cities and towns. For the purposes of this section, the words "inflation index" shall mean the per cent change in inflation as measured by the per cent change in the consumer price index for all urban consumers for the Boston metropolitan area as determined by the bureau of labor statistics of the United States department of labor.

Section 10. The authority is authorized and directed from time to time to take all necessary action to secure any federal assistance which is or may become available to the commonwealth or any of its political subdivisions, for any of the purposes of this chapter. If any federal law, administrative regulations or practice requires any action relating to such federal assistance to be taken by any department or instrumentality of the commonwealth other than the authority, such other department or instrumentality is authorized and directed to take all such action, including without limitation filing applications for assistance, supervising the expenditure of federal grants or loans to the foregoing, and the authority is hereby authorized and directed to take all actions which are not inconsistent with state law and which are necessary to permit such other department or instrumentality to comply with federal requirements. If the provisions of any federal law, administrative regulation, or practice governing federal assistance for the purposes of this chapter are inconsistent with any provisions of this chapter to the extent that the commonwealth or its political subdivisions are prohibited or potentially prohibited from receiving such assistance, the chairman of the authority shall, within 30 days after the federal government has notified him that an inconsistency may exist, notify the governor, and the clerks of the house and senate of such inconsistency.

Section 11. The board shall establish and implement policies that provide for the maximization of nontransportation revenues from all sources. The board shall report to the general court 30 days prior to the board's approval of the preliminary annual budget on efforts of the authority to maximize nontransportation revenues. The board shall establish and implement policies, consistent with the provisions of paragraphs (q) and (r) of section 5, that maximize and increase total fare revenue and ridership by improving service quality, expanding transit service where appropriate, establishing fare policies that promote ridership growth, marketing its transit services and fare media and providing desirable services and benefits to transit riders. In no event shall said authority raise fares if the annual ridership on the system has declined by more than four per cent in the previous 12 months.

The board shall establish and implement policies that increase the proportion of the authority's expenses covered by system revenues, provided that the authority shall take all necessary steps to increase system revenues and improve operating efficiency before considering any reductions in service levels; provided that the authority takes all necessary steps to maximize nontransportation revenues, increase ridership and improve fare collection practices before implementing fare increases. Nothing in this chapter shall preclude the authority from increasing fares, if necessary, to meet debt service obligations.

For the purposes of measuring the efficiency of authority operations and evaluating the proportion of authority expenses covered by system revenues, the board shall determine, among other accountability measures, the net operating investment per passenger-mile ratio. To calculate said ratio, the authority shall use for the values of the variables in said ratio the data reported each fiscal year to the federal transit agency, so-called, for the purposes of the national transit database.

In conjunction with the preparation of the preliminary operating budget for the subsequent fiscal year, the board shall establish a target net operating investment per passenger mile ratio that is expected to be achieved in the subsequent fiscal year. The authority shall forward a report to the governor, the general court, and the advisory board not later than April 1 detailing the actual net operating investment per passenger mile ratio achieved in the prior two fiscal years, the ratio projected to be achieved in the current fiscal year and the ratio expected to be achieved in the subsequent two fiscal years. Said report shall be accompanied by an explanation of the reasons for year-to-year change in said ratio.

Beginning in fiscal year 2006, the authority shall seek to achieve and maintain a target ratio of not more than 20 cents for any fiscal year; provided, that the inability to achieve the ratio of 20 cents shall not, by itself, require the authority to reduce service levels, increase fares or take any other specific action; provided, that if the authority is unable to achieve or maintain the target ratio of 20 cents, or less, it shall, for fiscal year 2006 and subsequent fiscal years, include in said report the reasons therefor and the plans of the authority for seeking to achieve the target ratio of 20 cents.

Section 12. (a) The authority may issue temporary notes under this section (i) to fund temporary cash deficiencies, or (ii) in anticipation of future revenues. The authority shall consult with the finance advisory board established by section 97 of chapter 6 prior to the sale of any such notes as to the timing and terms thereof.

(b) Any notes issued pursuant to this section shall be payable on or before December 31 of the year following their issue. Such notes shall be general obligations of the authority.

(c) Any notes issued pursuant to under this section shall be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the noteholders as may be reasonable and proper and not in violation of law, including covenants and negative covenants in relation to the financial operations of the authority and to the custody, safeguarding and application of all monies received by or for the account of the authority. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of note proceeds or other funds under such trust agreement and to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Such trust agreement may set forth the rights and remedies of the noteholders and the trustee and may restrict the individual right of action by noteholders. In addition to the foregoing, such trust agreement may contain such other provisions as the authority may deem reasonable and proper for the security of the noteholders.

(d) Any notes issued pursuant to this section shall not have any guaranty, pledge, or support from the commonwealth other than that specified in section 8 of this chapter and section 35T of chapter 10, unless specifically authorized by legislation enacted after July 1, 2000.

(e) Except to the extent limited by the trust agreement, the duties of state officials, the authority and its officials, city and town assessors and other city and town officials under this section or the trust agreement or otherwise relating to the levy, collection, custody, safeguarding and application of the assessments upon the cities and towns and other moneys provided in lieu thereof or in reduction thereof, including the duties of city and town assessors and other city and town officials to raise money for and to pay over the assessments, shall be enforceable in a civil action pursuant to section 5 of chapter 249 brought by the authority or the corporate trustee.

Section 13. (a) The authority is hereby authorized to provide by resolution at one time or from time to time for the issue of bonds of the authority for any one or more of the following purposes:

(1) To acquire, plan, design, construct, reconstruct, alter, recondition and improve mass transportation facilities and equipment for express service for use by or under contract with the authority;

(2) Subject to the limitations contained in subsection (f) of section 3, to finance agreements with railroads to provide passenger service to and from Boston;

(3)(i) To acquire, plan, design, construct, reconstruct, alter, recondition and improve mass transportation facilities and equipment for local service for use by or under contract with the authority and (ii) to provide relief to any private company, whether by agreement or arbitration award, under the provisions of section 22;

(4) To pay any capital costs of the authority, whether or not bonds for any such purpose may also be issued under any other provision of this section.

Bonds may be issued for any costs of the foregoing incurred either before or after the issue of the bonds. Bonds issued under any of the foregoing clauses may be issued in sufficient amount to pay the expenses of issue and to establish such reserves as may be required by any applicable trust agreement or bond resolution. No bonds of the authority shall be sold by the authority unless prior to such sale the authority shall have consulted with the finance advisory board established by section 97 of chapter 6 as to the timing and terms thereof.

Not more than \$3,556,300,000 of bonds of the authority under clauses (1), (2), (3), and (4) shall be outstanding at any time; provided, however, that such funds are expended for capital projects. For the purpose of determining the amount of bonds issued pursuant to this section, the amount of any issue of bonds sold by the authority at a discount shall be equal to the net proceeds thereof determined by adding to the face amount of such bond issue the premium, if any, related to any bonds of such issue and by then subtracting the discount related to any bonds of such issue. The amount of bonds of any such issue outstanding at any time, for the purposes of this subsection, shall be determined by multiplying the face amount of the bonds of such issue outstanding at such time by a fraction, the numerator of which is the net proceeds of such issue, as determined above, and the denominator of which is the face amount of such issue. For the purpose of determining the amount of bond proceeds expended by the authority for purposes specified by any general or special law heretofore or

hereinafter enacted, such proceeds shall in the case of any issue of bonds sold by the authority at the discount be equal to the expenditure of the net proceeds of such issue, as determined above.

(b) Each application or reapplication of the authority for grants from the federal government, whether directly or through an intermediary, shall be filed with the joint legislative committee on transportation at the same time as such application is filed with the federal government. Upon the filing of each such application with said committee, the authority shall certify to said committee such information regarding the proposed grant, including without limitation itemization of proposed expenditures and of financing sources, as shall be prescribed from time to time by said committee.

(c) Bonds issued by the authority may be general obligations of the authority or may be secured by a pledge or conveyance of any revenues, receipts or other assets or funds of the authority, or any combination of the foregoing, all as may be determined by the authority. In connection with the issuance of bonds, the authority may enter into additional security, insurance or other forms of credit enhancement which may be secured on a parity or subordinate basis with the bonds. The bonds of each issue shall be dated, shall bear interest at such rates, shall mature at such time or times not exceeding 40 years from their date or dates as may be determined by the authority, and may be made redeemable before maturity at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issue of the bonds. The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. All bonds issued under the provisions of this chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under chapter 106. The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone, and also as to both principal and interest and for the exchange of coupon or registered bonds. Subject to the requirement of consultation with the finance advisory board established by section 97 of chapter 6, the authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine to be for the best interests of the authority. The proceeds of such bonds shall be disbursed in such manner and under such restrictions, if any, as the authority may provide. The authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds and bond anticipation notes may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of

the commonwealth, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this chapter. Provisions of this chapter relating to the preparation, adoption or approval of plans, programs, projects, budgets and expenditures shall not affect the issue of bonds and notes and the bonds and notes may be issued either before or after such preparation, adoption or approval.

(d) In addition to the foregoing the authority is hereby authorized to provide by resolution for the issue of refunding bonds of the authority for the purpose of refunding any principal, interest and sinking fund requirements on any bond issued by the authority or on any indebtedness assumed by the authority pursuant to law, including payment of any redemption premium thereon, any interest accrued, or to accrue to the date of payment or redemption of the bonds or indebtedness being refunded, and any expenses of issuing and refunding bonds. Such refunding bonds may be issued at such time prior to the payment or redemption of the bonds or indebtedness being refunded as the authority may determine to be in the best interests of the authority. The issue of such bonds, the maturities and other details thereof, and the duties of the authority in respect to the same, shall be governed by the provisions of this chapter in so far as the same may be applicable. While any bonds or notes issued or assumed by the authority remain outstanding, the powers, duties and existence of the authority and the provisions for payments by the commonwealth to the authority shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds or notes. Bonds issued by the authority after July 1, 2000 shall receive no guaranty, pledge, or support from the commonwealth other than that specified in section 8 of this chapter and section 35T of chapter 10, unless specifically authorized by legislation enacted after July 1, 2000.

Section 14. In the discretion of the authority such bonds or refunding bonds shall be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth. Either the resolution providing for the issue of bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition, improvement, maintenance, operation, repair and insurance of property, and the custody, safeguarding and application of all monies and may pledge or assign the revenues to be received, but shall not convey or mortgage any property.

It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of bonds or of revenues and to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Such trust agreements or bond resolution may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, such trust agreement or bond resolution may contain such other provisions, including a provision for a sinking fund, as the authority may deem reasonable

and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or bond resolution may be treated as current expenses of the authority.

Section 15. Bonds and notes issued under this chapter, whether original or refunding, are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, savings banks, cooperative banks, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or notes or other obligations of a similar nature may properly and legally invest funds, including capital, deposits or other funds in their control or belonging to them. Such bonds and notes are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth now or may hereafter be authorized by law.

Section 16. Any holder of bonds or refunding bonds issued under the provisions of this chapter or of any of the coupons appertaining thereto, and the trustee under the trust agreement, if any, except to the extent the rights herein given may be restricted by such resolution or trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this chapter or by such resolution or trust agreement to be performed by the authority or by any officer thereof.

Section 17. The authority is authorized to provide by resolution at one time or from time to time for the issue of interest bearing or discounted notes for the purposes and in the amounts that bonds may be issued. The notes shall be payable within three years from their dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder maturing within the required time from the date of the original loan being refunded. When bonds are issued for the purposes for which the notes were issued, the proceeds of the bonds shall be used to repay the notes, except that interest on the notes may be financed as a current expense to the extent deemed appropriate by the authority. The notes may be secured by a trust agreement or by the provisions of a resolution, as in the case of bonds. Bond anticipation notes may be issued either before or after the authorization of the bonds being anticipated.

Section 18. To the extent that funds paid to the authority pursuant to section 35T of chapter 10 are insufficient in any year to meet the debt service or other payment obligations of the authority in connection with debt or other financing obligations of the authority, including, without limitation, leases, reimbursement obligations or interest exchange agreements, issued or entered into prior to July 1, 2000 in respect of which the commonwealth has pledged its credit or is otherwise liable or as to which the authority has covenanted to maintain net cost of service or contract assistance support, the commonwealth shall remain liable for the payment of such obligations or the provision of net cost of service

or contract assistance support as to such obligation to the same extent as before the enactment of this chapter; provided, that the amount of any such support provided by the commonwealth to the authority pursuant to this section shall be in the form of a no-interest loan repayable within five years from the dedicated revenue source and system revenues of the authority. Notwithstanding the provisions of this section, the commonwealth may, subject to appropriation and the provisions of article 62 of the Constitution of the Commonwealth, pledge its credit, guaranty, or support for the funding of transit commitments made in connection with the central artery project, so-called, capital improvements required under the Americans With Disabilities Act, or any other projects to conform to federal statutory mandates, or projects or services specifically authorized and funded by legislation enacted by the general court after July 1, 2000, or any other projects or services authorized by the general court prior to said July 1 for which funding is appropriated by the general court subsequent to said July 1; provided, that the authority shall not be obligated to make expenditures for any such commitments or projects so authorized for which the funds necessary to complete and operate such commitments or projects, including the guarantee of contract assistance, have not been made available to the authority. The authority shall undertake such projects and services so authorized and funded and shall incorporate them into the capital investment program established pursuant to paragraph (g) of section 5 and shall not make them subject to the priority ranking established by said paragraph (g) for other projects of the authority.

If at any time any principal or interest is due or about to come due on any bond or note issued or assumed by the authority prior to July 1, 2000, other than any principal or interest on any bond anticipation note guaranteed by the commonwealth, or any payment is due or about to come due under any other financing obligation undertaken or assumed by the authority prior to July 1, 2000, including without limitation a lease, a reimbursement agreement, or an interest exchange agreement, and funds to pay the same are not available, the directors shall certify to the state treasurer the amount required to meet such obligations, and the commonwealth shall thereupon pay over to the authority the amount so certified. If the commonwealth shall not make such payment within a reasonable time or shall not pay when required under any applicable contract assistance in effect prior to July 1, 2000. The authority or any holder of an unpaid bond or note issued or assumed by the authority as aforesaid, or any obligee in respect of any other such financing obligation, acting in the name and on behalf of the authority as aforesaid, shall have the right to require the commonwealth to pay the authority the amount remaining unpaid, which right shall be enforceable as a claim against the commonwealth. The authority or any such holder or obligee may file a petition in the superior court for Suffolk county to enforce such claim or intervene in any such proceeding already commenced, and the provisions of chapter 258 shall apply to such petition insofar as it relates to the enforcement of a claim against the commonwealth. Any such holder or obligee who shall have filed such a petition may apply for an order of said court requiring the authority to apply funds received by the authority on its claim against the

commonwealth to the payment of the petitioner's unpaid obligation, and said court, if it finds such amount to be due to such holder or obligee, shall issue such an order.

Section 19. The authority shall establish a Stabilization Fund into which it shall deposit revenues in excess of expenses pursuant to section 21 until the fund balance is equal to or greater than 5 per cent of total revenues of the fiscal year most recently ended. The authority may draw funds from the Stabilization Fund only in the event that, after implementing all efficiencies and savings possible, annual revenues are projected to be less than annual expenses, or if it has insufficient funds on-hand to pay current expenses. The authority may not assume draws from the Stabilization Fund in preparing its budget pursuant to section 20. In the event the authority draws funds from the Stabilization Fund, it shall file with the secretary of administration and finance, the secretary of transportation and construction, the joint committee on transportation and the house and senate committees on ways and means a financial plan that projects to produce in the following fiscal year an excess of revenues over expenses.

The authority shall also establish a Fare Stability Fund, into which it shall deposit revenues in excess of expenses pursuant to section 21. The authority may assume draws from the Fare Stability Fund in preparing its budget pursuant to section 20. Funds in said Fare Stability Fund shall be utilized within five fiscal years after being deposited.

Section 20. The board shall approve a preliminary itemized budget for the subsequent fiscal year no later than March 1 prior to the beginning of said fiscal year. The authority shall submit to the advisory board a final itemized budget no later than March 15 prior to the beginning of said fiscal year. Within 90 days after such submission, the advisory board shall approve said budget as submitted or subject it to such itemized reductions therein as the advisory board shall deem appropriate.

The itemized budget shall establish a projection of operating costs and revenues for each commuter rail, rapid transit, bus and water line or route, each maintenance facility and for each department and unit of the authority. The itemized budget shall identify expenditures in such a manner that establishes the cost of operating the service provided on each such line or route. In conjunction with the itemized budget, the authority shall also calculate any additional costs that would be incurred in the event that service on each such line or route is mandated to expand or change beyond the level of service established or proposed by the itemized expenditure budget.

The board shall forward not later than November 15 of each year to the governor, the secretary of administration and finance, the joint committee on transportation and the house and senate committees on ways and means the estimated capital or operating cost the authority projects to incur in the following fiscal year for expansions or changes in service imposed by the general court on the authority after July 1, 2000.

No expenses may be incurred in excess of those shown in the budget; provided, that revenues shall exceed expenses at the close of each fiscal year in the operating funds of the authority by an amount equal to one-half of one per cent of the dedicated revenue source. The

itemized budget may from time to time be amended by the board with approval of a supplementary budget by the advisory board. The advisory board shall within 30 days of submission to it approve or reduce any such supplementary budget pursuant to section 7A. The final budget and any supplementary budget shall provide for payment of all debt service payments or other payments due under financing obligations, including, without limitation, leases, reimbursement obligations or interest exchange agreements, for which the commonwealth has pledged its credit or contract assistance or is otherwise liable. If, during the fiscal year, the authority projects that total revenues for the fiscal year will be insufficient to meet total expenses, the authority shall take immediate steps to increase revenues or decrease expenses, other than debt service payments or other payments due under such financing obligations, such that a deficit will not occur in the following fiscal year and shall file with the secretary of administration and finance a deficit reduction plan delineating such steps. Upon the filing of such plan, the authority may, if it will otherwise have insufficient funds to pay expenses, draw on the Stabilization Fund described in section 19 or issue temporary notes pursuant to section 12 for the subsequent fiscal year.

Section 21. Annual revenues in excess of expenses shall be allocated in the following order:

(a) to fully fund all debt service reserves required under the trust agreements of any bonds of the authority then outstanding, and to fund in advance the debt service reserve requirements of any bond issuances planned for the upcoming fiscal year, in each case to the extent required by an applicable bond resolution or trust agreement securing bonds of the authority;

(b) to fund the Stabilization Fund established pursuant to the first paragraph of section 19;

(c) 50 per cent of any revenues in excess of expenses remaining after all debt service reserve requirement and the Stabilization Fund are fully funded shall be deposited in the Fare Stability Fund established pursuant to the second paragraph of section 19;

(d) 50 per cent of any revenues in excess of expenses remaining after all debt service reserve requirement and the Stabilization Fund are fully funded shall pay for capital improvements in lieu of bond proceeds or be applied to the retirement of outstanding bonds.

Section 22. (a) If the authority shall operate or contract for the operation of a mass transportation service or route which is not substantially similar to a service or route previously operated by the authority or the Metropolitan Transit Authority and which is in competition with a pre-existing mass transportation service or route provided by a private company, and if such competition causes substantial economic damage to such company, the company may file a claim for relief with the authority within six months of the commencement of such new operation. The claim for relief shall state all of the facts relevant to the claimed competition and to the alleged damage suffered therefrom. Thereupon the authority shall make a prompt and full investigation of the claim. During its investigation and any subsequent arbitration the authority shall have access to the books and records of the

company, including but not limited to copies of all federal and state tax returns of such company for prior years. Within 120 calendar days after the filing of the claim for relief the authority shall issue a report setting forth its findings with respect to said claim, together with a detailed statement of the facts as to the respective patronage, revenues and costs on the allegedly competing routes and, if deemed appropriate, an offer of relief. Such offer may include a proposal that the authority purchase all or a portion of the assets of such company, or that the authority grant to such company a contract pursuant to the provisions of section 3, or it may propose such other plan or alternative plans of relief as it shall deem reasonable and in the public interest. Within 90 calendar days of receipt of such report the company shall accept or reject any offer or offers of the authority or it shall make one or more counter-offers. The authority shall accept or reject any counter-offers within 30 calendar days of receipt. The authority may modify or revoke any such offer and the company may modify or revoke any such counter-offer at any time before acceptance or rejection.

(b) If the authority shall decline to make any offer to the company, or if all offers or counter-offers shall be rejected, or if the authority or the company shall fail to act with respect to such offers or counter-offers within the time prescribed herein, the matter shall be referred to a board of arbitration for final and binding adjudication. Unless the parties shall agree in writing to some other method of constituting the board of arbitration, of selecting its members and of providing for the rules of procedure by which it shall be governed, the board shall be appointed and its proceedings regulated in accordance with the provisions of the applicable sections of chapter 251. The function of the board of arbitration shall be to determine whether the operations of the authority in competition with those of the company during the period complained of have constituted a proximate cause of substantial damage to the company; to identify and designate the portion of the company's operations so damaged, such designation to include a complete list of the physical assets of the company, real and, personal fairly allocable to such portion; and to fix the fair value of such portion of the company's operations as of the time that such competition commenced. In determining such fair value the board of arbitration shall follow generally accepted accounting principles and shall place particular emphasis on capitalization of the average net income of the company for prior years, excluding, however, from such average net income any amounts received by such company under the provisions of section 25B of chapter 58, and upon an appraisal of the listed physical assets of the company valued at their cost basis less depreciation in a manner consistent with the valuation and depreciation methods employed by the company in filing federal and state income tax returns for such prior years. Under no method of valuation shall any value be placed upon franchises or good will. Within 30 calendar days after the award of the board of arbitration the company shall sell, and the authority shall purchase, the physical assets listed by the board, and the authority shall pay to the company the fair value of the portion of the company's operations as found by the board. The cost to the authority of any acquisition under this section shall be paid from the proceeds of bonds or bond anticipation notes issued as hereinafter provided. An award under

this section shall be subject to the availability of such bond or note proceeds and any sale hereunder may be postponed by the agreement of the parties pending the availability of such funds.

(c) The procedure set forth in this section shall constitute the exclusive remedy of a private mass transportation company against the authority for relief from the effects of the authority's operations or activities, and no action or suit shall be brought against the authority on account of alleged damage suffered except to enforce compliance with the provisions of this section. Nothing herein shall prohibit the authority and the company from entering into an agreement in settlement of the claim for relief at any time, notwithstanding the rejection of an offer or counteroffer, the pendency of arbitration proceedings or the existence of an award. All time requirements set forth herein may be extended by the written agreement of the authority and the company. It is the intent of this section to encourage cooperation between the authority and private companies so as to provide fair and reasonable relief as speedily as possible in case of damaging competition.

Section 23. The department of the state auditor shall biennially make an audit of the accounts of the authority and make a report thereon to the directors, the governor and the general court. In making said audits, said department of the state auditor may call upon any of the departments, commissions, officers and agencies of the commonwealth for such information as may be needed in the course of making such audits. The state auditor may employ such auditors, accountants and other assistants as he deems necessary for carrying out said duties, and chapter 31 and the rules made thereunder shall not apply to such employees. The commonwealth shall be reimbursed by the authority for the cost of the audit.

Section 24. Notwithstanding any general or special law to the contrary, the authority and all its real and personal property shall be exempt from taxation and from betterments and special assessments; and the authority shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions; nor shall the authority be required to pay any fee or charge for any permit or license, nor any compliance fee, issued to it by the commonwealth, by any department, board or officer thereof, or by any political subdivision of the commonwealth, or by any department, board or officer of such political subdivision, or by any department; and, so far as constitutionally permissible, the authority shall be exempt from tolls for the use of highways, bridges and tunnels. Bonds and notes issued by the authority, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth.

Section 25. The directors shall have authority to bargain collectively with labor organizations representing employees of the authority and to enter into agreements, with such organizations relative to wages, salaries, hours, working conditions, the assignment of work schedules and work locations on the basis of seniority, including: (a) hours of work each day and days worked each week; provided, however, that a change in such assignment shall not provide for a change in classification; and (b) the filling of vacancies by promotion or transfer of qualified applicants on the basis of seniority, health benefits, pensions and retirement allowances of such employees; provided, however, that the directors shall have

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no authority to bargain collectively and shall have no authority to enter into collective bargaining agreements with respect to matters of inherent management right which shall include the right:

(i) to direct, appoint, and employ officers, agents and employees and to determine the standards therefor;

(ii) to discharge or terminate employees subject to the provisions of clauses (a) and (b). (a) No such action to discharge or terminate shall be sustained if, in a proceeding invoked in accordance with the provisions of clause (b), the employee shall establish by a preponderance of the evidence that it was based upon race, sex, color, religion, creed, sexual orientation, age, national origin, handicapping condition, marital status, or political affiliation, or activities or union activities or union organizing of the employees; a reprisal against the employee for disclosure of information by an employee which the employee reasonably believes evidences a violation of any law, rule or regulation or mismanagement, a gross waste of funds, or abuse of authority; a reprisal against any employee for the refusal of any person to engage in political activity. (b) The parties may include in any written agreement a grievance procedure culminating in final and binding arbitration which may be invoked in the event any employee of the authority is aggrieved by any action taken to so discharge or terminate employees;

(iii) to plan and determine the levels of service provided by the authority;

(iv) to direct, supervise, control, and evaluate the departments, units, and programs of the authority; to classify the various positions of the authority and ascribe duties and standards of productivity therefor;

(v) to develop and determine levels of staffing and training; provided, however, that to the extent that levels of staffing and training have an impact on the safety of authority employees the determination, development and implementation of such levels of staffing and training shall not constitute a matter of inherent management right and the directors shall have the authority to bargain collectively on such subjects with labor organizations representing employees of the authority; and provided further, that such directors and labor organizations may include in any written agreement a grievance procedure culminating in final and binding arbitration before a neutral arbitrator which may be invoked in the event that an employee of the authority to whom such agreement applies is aggrieved by actions taken by authority directors or management respect to the development, determination or implementation of levels of staffing and training which have an impact on the safety of authority employees;

(vi) to determine whether goods or services should be made, leased, contracted for, or purchased on either a temporary or permanent basis;

(vii) to assign and apportion overtime;

(viii) to hire part-time employees.

The authority is hereby prohibited from bargaining collectively or entering into any agreement to make pension benefit payments to its employees that are determined in a manner that includes the amount of overtime earnings of said employees.

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The authority is hereby prohibited from bargaining collectively or entering into a contract which provides for automatic cost-of-living salary adjustments which are based on changes in the consumer price index or other similar adjustments unless specifically authorized by law. Except as provided in sections 28 to 32, inclusive, the employees of the authority shall submit all grievances and disputes pursuant to arbitration provisions in agreement existing at the time of the creation of the authority or subsequently entered into with the authority or, in the absence of such provisions, to the state board of conciliation and arbitration, or other board or body having similar powers and duties. The provisions of general or special laws relative to rates of wages, hours of employment and working conditions of public employees, shall not apply to the authority nor to the employees thereof, but the authority and its employees shall be governed with respect to hours of employment, rates of wages, salaries, hours, working conditions, health benefits, pensions and retirement allowances of its employees by the laws relating to street railway companies.

Section 26. Notwithstanding any provisions of law to the contrary, the provisions of section 5 of chapter 150A shall so far as apt apply to the authority and its employees, excepting directors, executives and those confidential employees representing the authority and dealing with employee organizations. Nothing in this section shall be construed as conferring upon the employees of the authority the right to strike, nor as detracting from the obligations of the authority and the employees to submit all grievances and other disputes to arbitration.

Section 27. Whenever any employee or former employee of the authority dies, and the authority owes his estate any sum or sums by reason of services rendered by him for wages vacation allowances, and neither a duly appointed executor or administrator nor a administrator has made written demand for payment upon the treasurer of the authority and treasurer shall not otherwise have actual notice that proceedings relative to the formal or settlement of such estate have been commenced in any probate court, such sum or sums may, in the discretion of the authority, be paid after the expiration of 30 days from the death of such employee to such person as may have been nominated as beneficiary, on a form approved by the directors and filed with the treasurer by such employee during his lifetime or, if there is no such beneficiary then to the surviving spouse or next of kin of such employee. Payments made as provided in this section shall discharge all liability of the authority to all persons with respect to such sum or sums.

Section 28. Notwithstanding the provisions of sections 25 and 26, the authority or any organizations representing employees of the authority shall not be permitted to submit any dispute over the terms of a collective bargaining agreement to arbitration except in accordance with sections 28 through 32, inclusive; provided, however, that this section shall not limit the rights of organizations representing employees of the authority to submit grievances to arbitration in accordance with the collective bargaining agreement between the parties.

Section 29. In the event the directors and any organizations representing employees of the authority have not reached an agreement within 90 days from the date of the expiration

of the agreement, either party may notify the other that it desires mediation. The parties may agree upon a person to serve as a mediator or, if unable to agree on said mediator, either party or the parties acting jointly may petition the board of conciliation and arbitration to appoint a mediator from a list of qualified persons maintained by the board.

After a reasonable period of mediation, not to exceed 45 days from the date of appointment, said mediator shall issue a report indicating the results of his services in resolving the impasse. If at the conclusion of mediation the impasse still exists, the mediator shall so certify. In the event, the mediator shall certify in his report the last best offer of each party on each unresolved issue which has been submitted to mediation and shall also certify the agreement of the parties on each issue on which agreement has been reached and shall submit such certifications to the arbitrator selected by the parties. In such event, so long as the mediator shall also certify that the parties have bargained in good faith, either party may notify the other that it desires arbitration of the dispute. Within 10 days of said notice, the parties shall meet to select a single neutral arbitrator. If, within 15 days, the parties fail to select such single arbitrator, either party may forthwith petition the board of conciliation and arbitration to request a list of five arbitrators from the American Arbitration Association and said Association shall certify to the board that such arbitrators on the list it provides possess the qualifications as provided in section 30. The parties shall thereupon meet to select such arbitrator by striking one name each until one name remains and that person shall serve as the neutral arbitrator. If, after 10 days, one of the parties declines to strike their names, the other party shall strike two names and the board shall forthwith select the arbitrator from the remaining three names.

Section 30. The single arbitrator, whether agreed upon by the parties or selected by the board of conciliation and arbitration, shall be a legal resident of the commonwealth and shall be experienced in state and local finance.

Section 31. The arbitrator shall rely primarily on the following factors in determining the basis for an award:

(a) The financial ability of the authority to meet additional costs, which shall include but not be limited to: (i) the statutory requirement that the authority produce revenues in excess of expenses; (ii) the financial ability of the individual communities and the commonwealth to meet additional costs; (iii) the average per capita tax burden, average annual income and sources of revenue within the commonwealth, and the effect of any arbitration award on the respective property tax rates of the cities and towns within the authority's district.

(b) The overall compensation presently received by the employees, having regard not only for wages for time actually worked but also for wages for time not worked, including vacations, holidays and other excused time.

(c) All benefits received by the employees, including insurance, pension, as well as the continuity and stability of employment.

(d) The hazards of employment, physical, educational and mental qualifications, job training and skills involved.

(e) A comparison of wages, hours, and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and conditions of employment of other employees performing similar services within the commonwealth and with other employees generally in public and private employment within the commonwealth.

(f) The average consumer price for goods and services, commonly known as the cost of living.

(g) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

(h) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between parties, in the public service of the commonwealth, and which are not precluded from bargaining under section 25.

(i) The stipulation of the parties.

Section 32. The arbitrator shall be limited in making his award to choosing between the last best offers of the parties on each issue as certified in the mediator's report or any award in the range between the last best offers of the parties. The arbitrator shall make no award on any issue found by him to be not authorized by law to be submitted to arbitration, but shall state such finding in his written opinion. Within 30 calendar days of an award, the arbitrator shall issue a written opinion inclusive of an analysis of all statutory factors applicable to the proceedings. Any determination by the arbitrator, if supported by material and substantial evidence on the record, shall be binding upon the parties and upon the appropriate legislative or appropriating body and may be enforced at the insistence of either party or by the arbitrator in the superior court. The scope of arbitration shall be limited to wages, hours, and conditions of employment and shall not include any provisions for any cost of living adjustment which are based on changes in the consumer price index after the expiration of the contract period covered by the award. In addition, any wage or salary adjustments shall be expressed in percent or dollar amounts, and in no case shall there be any provision for salary adjustments to occur after the expiration of the contract period covered by the award.

The cost, if any, of the mediation and of arbitration proceedings exclusive of the expenses of the individual parties provided for under sections 28 to 32, inclusive, shall be divided equally by the parties and shall be in accordance with a schedule of payments established by the American Arbitration Association.

Section 33. The treasurer of the authority, on behalf of the authority, may contract with an employee to defer a portion of that employee's compensation and may, for the purposes of funding a deferred compensation program for said employee, established in accordance with the U.S. Internal Revenue Code, hereinafter referred to as the Code, invest the deferred portion of the employee's income in a life insurance or annuity contract, mutual fund, or a bank investment trust. The treasurer shall, before making any such investment,

solicit bids from insurance companies authorized to conduct business within the commonwealth pursuant to chapter 175, mutual fund managers, and banks, which bids shall be sealed, and opened at a time and place designated by the treasurer. Any bid submitted by an insurance company, mutual fund, or bank investment trust to fund the deferred compensation program shall, where applicable, clearly indicate the interest rate which shall be paid on the deferred funds, any commissions which will be paid to the salesmen, any load imposed for the purpose of administering the funds, mortality projections, expected payouts, tax implications for participating employees and such other information as the treasurer may require. Any contract entered into between an employee and the authority pursuant to this section shall include all such information in terms the employee can reasonably be expected to understand.

As used in this section the word "employee" shall have the same meaning as "employee" in section 1 of chapter 32 and shall also include consultants and independent contractors who are natural persons paid by the authority and any person whose regular duties require that his time be devoted to the service of the authority during regular business hours.

Notwithstanding any provisions to the contrary, the treasurer shall not be required to solicit bids to invest the deferred portion of an employee's income provided: (a) the treasurer elects to invest such funds in the same investment products as provided through the deferred compensation plan for employees of the commonwealth administered by the state treasurer, provided such plan resulted from the solicitation of bids in accordance with bidding requirements comparable to those required under this section, or (b) the treasurer elects to invest such funds in the investment products offered pursuant to a deferred compensation plan developed through a competitive selection process, provided that such plan resulted from the solicitation of bids by a group of any combination of three or more city, town, county or public authority treasurers acting as a "common group" for purposes of soliciting such proposals in accordance with bidding requirements comparable to those required under this section.

An employee may defer compensation so long as such deferral is the lesser of \$7,500 or 33.33 per cent of his includible compensation for a taxable year, except that for one or more of the last three taxable years ending before he attains normal retirement age under the plan the employee may defer the lesser of \$15,000 or the sum of (1) \$7,500 or 33.33 per cent of his includible compensation for such year, plus (2) a sum not more than the total deferrable compensation for prior taxable years that had not in fact been deferred in such years.

Such deferred compensation program shall be in addition to and not a part of the retirement program or pension system as provided under said chapter 32 and any other benefit program provided by law for such employee. Any compensation deferred under such a plan shall continue to be included as regular compensation, as defined in section 1 of said chapter 32, for the purpose of computing the retirement and pension benefits earned by any such employee, but any compensation so deferred shall not be included in the computation

of any taxes withheld on behalf of such employee.

Section 34. (a) The treasurer of the authority, on behalf of the authority, may contract with an employee to make contributions for and in the name of such employee, from amounts otherwise payable to the employee as current compensation, to an individual retirement account, hereinafter referred to as the IRA, by such employee established in accordance with the Code. The participating employee may invest that portion of his income so contributed to an IRA in an annuity contract, mutual fund, bank investment trust or other investment authorized by the Code. Before making such deduction, the treasurer shall be required to solicit bids from insurance companies authorized to conduct business within the commonwealth pursuant to chapter 175, mutual fund managers, and banks which bids shall be sealed, and opened at a time and place designated by the treasurer. Any bid submitted by an insurance company, mutual fund, or bank investment trust seeking investment of the IRA contribution shall, where applicable, clearly indicate the interest rate which shall be paid on the invested funds, any commissions which will be paid to the salesmen, any load imposed for the purpose of administering the funds, expected payouts, tax implications for participating employees and such other information as the treasurer may require. Upon the treasurer's determining which provider offers the product or products most beneficial to the employee in each category for which bids were solicited, the treasurer may offer such employee the opportunity to establish an IRA with one or more such providers. The employee who wishes to invest his IRA funds with any such provider, or combination of providers, may authorize the treasurer to deduct from amounts otherwise payable to the employee, at one time or on a periodic basis, amounts to be paid into the employee's IRA. If the employee so elects, the treasurer shall pay to the providers the amount designated by the employee, in the name of the employee, to the employee's IRA. Amounts so paid to the providers for the employee's IRA account shall belong exclusively to the employee. Except as otherwise provided herein, the treasurer may restrict an employee's right to contract to have contributions made to an IRA through deductions and payments by the treasurer, to those providers selected as the result of the competitive bidding process outlined herein, but the authority conferred upon the treasurer shall not be construed to restrict or limit the right of any employee to establish one or more IRAs with such banks, insurance companies, or similar authorized institutions as the employee may choose in any manner other than through an authorized deduction by the treasurer of a portion of the employee's compensation as outlined herein. Any contract entered into between an employee and the authority pursuant to this section shall include all information in terms the employee can reasonably be expected to understand.

(b) As used in this section the word "employee" shall have the same meaning as "employee" in section 1 of chapter 32 and shall also include consultants and independent contractors who are natural persons paid by the authority and any person whose regular duties require that his time be devoted to the service of the authority during regular business hours.

(c) An employee may contribute a portion of his compensation to an IRA under the program outlined herein so long as such contribution, for an employee who is single, is the lesser of \$2,000 or 100 per cent of his compensation for a taxable year, and, for an employee who is married, the contribution is the lesser of \$2,250 or 100 per cent of his compensation for a taxable year. If an employee has any compensation deferred under a deferred compensation plan for employees of the authority, if one is established by the treasurer under section 33, then the aggregate amount of such deferred compensation deduction and amounts contributed to such employee's IRA shall not exceed the limits imposed upon such combined deduction and contribution by the Code.

(d) Notwithstanding any provisions herein to the contrary, the treasurer shall not be required to solicit bids to invest the contributed portion of an employee's income into the employee's IRA provided: (i) the treasurer is authorized by the employee to pay that portion of the employee's compensation into the employee's IRA in the same investment products as provided through a deferred compensation or IRA plan for employees of the commonwealth administered by the state treasurer, or a deferred compensation plan for employees of the authority administered by the treasurer, provided such plan resulted from the solicitation of bids in accordance with bidding requirements comparable to those required under this section; or (ii) the treasurer is authorized by the employee to pay that portion of the employee's compensation into the employee's IRA in the investment products offered pursuant to a deferred compensation or IRA plan developed through a competitive selection process, provided that such plan or program resulted from the solicitation of bids by a group of any combination of three or more city, town, county or public authority treasurers acting as a common group for purposes of soliciting such proposals in accordance with bidding requirements comparable to those required under this section.

(e) Such IRA plan shall be in addition to and not a part of the retirement program or pension system as provided under chapter 32 and any other benefit program provided by law for such employee. Any compensation contributed by the employee to his IRA under such a plan shall continue to be included as regular compensation, as defined in section 1 of said chapter 32, for the purpose of computing the retirement and pension benefits earned by any such employee, but any compensation so contributed shall not be included in the computation of federal taxes but shall be included in the computation of state taxes withheld on behalf of any such employee.

Section 35. Notwithstanding the provisions of any general or special law to the contrary, each employee in a plan for group, general or blanket hospital, medical, dental or other health insurance, either by purchase of a policy or policies from one or more insurance companies, or nonprofit hospital, medical, dental or other service corporations, including health maintenance organizations, or by means of a self-insurance plan or preferred provider arrangement plan of the authority shall contribute to the total monthly premium or rate applicable to said coverages not less than the current employee share of monthly premium or rate established pursuant to the provisions of section 8 of chapter 32A.

Section 36. All sums of money payable under the provisions of sections 31, 34, 34A, 35 and 35A of chapter 152 directly to a retired member of the Massachusetts Bay Transportation Authority retirement system or to the legal representative or dependents of a deceased member on account of his death, including so much of the amount of any lump sum settlement payable under the provisions of such sections directly to any such persons as is allocable to the period following the retirement or death of such member, but excluding any payments for or amounts allocable to any period to the date his retirement allowance became effective, shall be offset against and payable in lieu of any pension payable on his account by reason of the same injury, but not against his accumulated total deductions or any annuity derived therefrom. If any such pension exceeds the compensation payable on account of such member under such provisions of chapter 152 when both are reduced to the same periodical basis, the excess only shall be paid as a pension so long as such compensation continues. If any such pension is less than or equal to such compensation, no pension shall be paid so long as such compensation continues to be equal to or greater than such pension.

In all cases where a member or a beneficiary receives delayed compensation payments or an amount of any lump sum settlement payable directly to him under the provisions of sections 31, 34, 34A, 35 or 35A of chapter 152 subsequent to his receipt of payments under any pension granted under the provisions of the Massachusetts Bay Transportation Authority retirement system by reason of the same injury, no further pension payments shall be made unless and until such time as the total amounts which by then would have been payable as compensation and pension together, if there had been no delay in making such compensation payments, shall exceed the total amounts of compensation and pension actually paid by them after due allowance in either case for the allocation of any such lump sum settlement.

If a member or a beneficiary entitled to a pension under the provisions of the Massachusetts Bay Transportation Authority retirement system, and also having a right to compensation under the provisions of chapter 152 by reason of the same injury or death of such member, as the case may be, neglects or fails to prosecute fully such right or to cooperate with the Massachusetts Bay Transportation Authority retirement system in its prosecution thereof, as provided for by the provisions of section 73 of such chapter, said board may, during the period of such neglect or failure, suspend such member's or beneficiary's right to further payment. Under the circumstances set forth in the said section 73, the duty of the board to prosecute shall be mandatory.

Section 37. Notwithstanding any contrary provision of law, whenever there exists a continued interruption, stoppage or slowdown of transportation of passengers on any vehicle or line of the authority or a strike causing the same, and which is in violation of an injunction, a temporary injunction, a restraining order, or other order of a court of competent jurisdiction, and which threatens the availability of essential services of transportation to such an extent as to endanger the health, safety or welfare of the community, the governor may declare that an emergency exists. During such emergency he may take possession of,

and operate in whole or in part, the lines and facilities of the authority in order to safeguard the public health, safety and welfare. Such power and authority may be exercised through any department or agency of the commonwealth or through any person or persons and with the assistance of such public or private instrumentalities as may be designated by him. Such lines and facilities shall be operated for the account of the authority. The powers hereby granted to the governor shall expire 45 days after his proclamation that a state of emergency exists.

Section 38. The authority shall be liable for the acts and negligence of the directors on the board and of the servants and employees of the authority in the management and operation of the authority and of the properties owned, leased and operated by it to the same extent as though the authority were a street railway company, but the directors shall not be personally liable except for malfeasance in office.

The authority shall be liable in tort to passengers, and to persons in the exercise of due care who are not passengers or in the employment of the authority, for personal injury and for death and for damages to property in the same manner as though it were a street railway company; provided that any action for such personal injury or property damage shall be commenced only within two years next after the date of such injury or damage and in case of death only within two years next after the date of the injury which caused the death.

The board shall have charge of and supervise the investigation, settlement and defense of all such claims and of all other suits or actions relating to the property or arising out of the construction, maintenance or operation of the authority.

Section 39. In the event of any conflict between the regulatory powers and duties of the department of telecommunications and energy and the regulatory powers and duties of the authority within its area, the department of telecommunications and energy shall resolve such dispute and exercise such powers as it deems required in the particular instance.

Section 40. The authority shall have the power to procure electric utility services, including the purchase, generation, transmission, transformation and distribution of the supplies of electricity necessary to operate its mass transportation facilities and equipment, at the lowest reasonable cost consistent with the provision of public transportation services in an efficient, reliable and economic manner. In procuring such electric utility services, the authority may solicit offers and proposals to provide such electric utility services from owners or operators, including the New England power pool, of facilities that generate, transmit, transform, or distribute electric power and energy, and shall take into consideration factors relating to the public interest, including but not limited to the following:

(a) the lowest prices that may be offered by responsible bidders, including electric companies, municipal lighting plants, political subdivisions, and alternate energy producers as defined in chapter 164;

(b) the demonstrated ability of any prospective supplier of electric utility services to provide reliable and continuous service and stability of price; and

(c) consistency with the environmental and conservation goals of the commonwealth;

provided, however, the authority must fulfill all obligations of contracts and agreements lawfully entered into and now in force.

Section 41. The authority shall have the power to engage in electric utility business which shall include the generation, transformation, transmission and distribution of electricity for public consumption of electricity used in connection with the mass movement of persons. The authority shall be classified as a domestic electric utility pursuant to chapter 164A solely for the purpose of purchasing electricity and becoming a member of the New England power pool. The authority may exercise any of its rights and powers under chapter 161A necessary or convenient to carry out and effectuate the purpose of providing light, heat and power in connection with the mass movement of persons. In addition, the authority shall have the following powers:

(a) to purchase electric power and energy, including, without limiting the generality of the foregoing, all or a portion of the capacity and output of one or more specific electric power facilities, and steam whether or not produced by an electric power facility;

(b) to purchase electric power and energy and other products of electric power facilities from other utilities, public and private, within and without the commonwealth, political subdivisions; provided, however, that nothing in this section shall be construed to authorize resale of electric power and energy so purchased except as otherwise authorized by law;

(c) to contract for the use of transmission and distribution facilities owned by others for the delivery to the authority, and any such owner is hereby authorized to enter into such contracts with the corporation;

(d) to contract with respect to the purchase, sale, delivery, exchange, interchange, wheeling, pooling, transmission or use of electric power and energy and to otherwise participate in the New England power pool, as defined by section 1 of chapter 164A; and

(e) to do all things necessary, convenient or desirable to carry out the purposes of providing electricity in connection with the mass movement of persons or powers expressly granted or necessarily implied in this chapter.

Section 42. An officer of the authority may forthwith give to a person who violates the provisions of section 43A of chapter 272 a written notice to appear before the clerk of the district court having jurisdiction at any time during office hours, not later than 21 days after the date of such violation. Such notice shall be signed by the officer and shall be signed by the offender in acknowledgment that the notice has been received. The officer shall deliver to the offender at the time and place of the violation a copy of said notice. Whenever it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the officer or by his commanding officer to the offender's last known address, within five days of the offense, exclusive of Sundays and legal holidays. Such notice mailed by the officer, his commanding officer, or the person so authorized to the last address of said offender shall be deemed a sufficient notice, and a certificate of the officer or person so mailing such notice that it has been mailed in accordance with this section shall be deemed prima facie evidence thereof and shall be admissible in any

court of the commonwealth as to the facts contained therein. At or before the completion of each tour of duty, the officer shall give his commanding officer those copies of each notice of such violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer shall retain and safely preserve one of such copies and shall, at a time not later than the next court day after said delivery or mailing, deliver another of such copies to the clerk of the court before whom the offender has been notified to appear. The clerk of each district court shall maintain a separate docket of all such notices to appear.

Any person so notified to appear before the clerk of a district court may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing, or by mail to such clerk, with the notice, and the sum of \$25, such payment to be made only by postal note, money order, or check. Payment of such sum shall operate as a final disposition of the case. Proceedings under this paragraph shall not be criminal and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If any person notified to appear before the clerk of the district court fails to appear and pay the fine provided hereunder or, having appeared desires not to avail himself of the procedure hereinbefore provided for the non-criminal disposition of the case, the clerk shall notify the officer concerned, who shall forthwith make a criminal complaint. If any person fails to appear in accordance with the summons issued upon such complaint, the clerk shall send such person, by certified mail, return receipt requested, a notice that the complaint is pending and that if the person fails to appear within 21 days from the sending of such notice, the court shall issue a warrant for his arrest. If a person fails to appear within 21 days from the sending of such notice, the court shall issue a warrant for his arrest.

If, after an officer delivers a notice to an offender, the offender continues to violate said section 43A of said chapter 272, an officer of the authority may arrest such offender without a warrant. Any offender arrested under this section shall be subject to the fines and penalties provided under the provisions of said section 43A of said chapter 272.

Section 43. Agreements between the authority and a railroad for the provision of commuter rail service shall provide that the authority shall secure and maintain a liability insurance policy covering the liability of the authority and the railroad for property damage, personal injury, bodily injury and death arising out of such commuter rail service. Such policy shall name the authority as named insured, and the railroad as an additional insured, shall have policy limits of not less than \$75,000,000 per occurrence annually and \$75,000,000 in the aggregate annually, and shall be subject to self-insured retention in an amount not less than \$7,500,000. In no event shall the authority or the railroad be liable in excess of the coverage limits of such insurance policy for any and all claims for damage, whether compensatory or punitive, for property damage, personal injury, bodily injury and death arising out of such commuter rail service.

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For the purposes of this section, the term "railroad" shall include any person, railroad corporation or other legal entity in the business of providing rail transportation which contracts with the Massachusetts Bay Transportation Authority for the provision of commuter rail services and the term "commuter rail service", shall include all services performed by a railroad pursuant to a contract with the Massachusetts Bay Transportation Authority in connection with the transportation of rail passengers including, but not limited to, the operation of trains, trackage and equipment, or the construction, reconstruction or maintenance of railroad equipment, tracks and any appurtenant facilities or the provision of trackage rights over lines owned by any such railroad.

Section 44. Whenever the authority deems it necessary to make surveys, soundings, test pits, borings, drillings or examinations to obtain information for or to expedite the construction of public transportation facilities or other projects under its jurisdiction, said authority, or its authorized agents or employees may, after 30 days notice by registered or certified mail and without the necessity of any judicial orders or other legal proceedings, enter upon any lands, waters and premises, not including buildings, in the commonwealth, including lands both publicly and privately owned, including land owned by railroad corporations, for the purpose of making such surveys, soundings, test pits, borings, drillings or examinations as it may deem necessary or convenient for the purposes of this section, and the entry shall not be deemed to be a trespass. Said authority shall make reimbursement for any injury or damage to lands resulting from entry caused by any act of its authorized agents or employees and shall, so far as possible, restore such lands to the same condition as prior to the making of such surveys, soundings, test pits, borings, drillings or examinations.

Section 45. Any bank, as defined in section 1 of chapter 167, or any credit union, as defined in section 1 of chapter 171, is hereby authorized, subject to agreement entered into with the authority, or any regional transit authority established pursuant to chapter 161B, to sell prepaid monthly passes, authorized by the authority, for use on the facilities of the authority or such regional transit authorities.

Section 46. The directors may promulgate rules and regulations pertaining to the parking of motor vehicles in any terminals, stations, garages, yards, shops, parking lots, or parking garages owned or operated by the authority, but specifically excluding any streets, ways, highways, roads and parkways. The authority may, by a vote of the directors, adopt the provisions of section 20A of chapter 90; provided, however, that the directors establish rules and regulations creating regional districts throughout the authority consisting of contiguous cities or towns within which the parking clerk shall regularly conduct hearings.

Section 47. Any of the 51 cities and towns and other served communities may for the purpose of providing local bus service enter into agreements with any person lawfully authorized to operate any motor bus on any public way therein for the carrying of passengers for hire. Said city, town or community shall have the same powers and duties in respect to such private bus carriers as are provided by law for the department of telecommunications and energy, except as to safety of equipment and operations, schedules, and routes not being,

however, considered safety of equipment and operations for purposes of this paragraph; provided that the authority shall be notified of the establishment of any such contract local service, but shall not have control or jurisdiction over said service.

SECTION 152. Section 69H of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The board shall be composed of the chairman and two additional commissioners of the department, the secretary of environmental affairs or his designee, the director of economic development or his designee, the commissioner of energy resources or his designee, and three public members to be appointed by the governor for terms of three years, two of whom shall be experienced in environmental and consumer matters and one of whom shall be experienced in matters relating to the development of energy facilities. The two additional commissioners of the department shall be the commissioner with experience in electricity and energy issues and the commissioner with expertise in consumer protection and advocacy issues as set forth in section 2 of chapter 25. If one of such commissioners serves as the chairman or if one or more of these three positions is vacant, additional commissioners shall be appointed to the board in the following order to ensure that three commissioners of the department serve on the board at all times: (1) the commissioner whose expertise is not specified in said section 2 of said chapter 25; (2) the commissioner with expertise in telecommunications issues; and (3) the commissioner with expertise in cable television issues. The board shall not include as a public member any person who receives, or who has received during the past two years a significant portion of his or her income directly or indirectly from the developer of an energy facility or an electric, gas or oil company. The public members shall serve on a part-time basis, receive \$100 per diem of board service, and shall be reimbursed by the commonwealth for all reasonable expenses actually and necessarily incurred in the performance of official board duties. Upon the resignation of any public member, a successor shall be appointed in a like manner for the unexpired portion of the term. No person shall be appointed to serve more than two consecutive full terms.

SECTION 153. Section 24D of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Prior to making any nonrecurring payment equal to or in excess of \$500 to a claimant under a contract of insurance, every company authorized to issue policies of insurance pursuant to chapter 175 shall exchange information with the IV-D agency, as set forth in chapter 119A, to ascertain whether such claimant owes past due child support to the commonwealth or to an individual to whom the IV-D agency is providing services, and is subject to a child support lien pursuant to section 6 of said chapter 119A. To determine whether a claimant owes past due child support, the company shall either provide the IV-D agency with information about the claimant, or examine information made available by the IV-D agency and updated not more than once a month. If the company elects to provide the IV-D agency with information about such claimant, the company shall provide to the IV-D agency, no less than ten business days prior to making payment to such claimant, the

claimant's name, address, date of birth and social security number as appearing in the company's file, and such other information appearing in the company's file as the commissioner of revenue may require by regulation in consultation with the commissioner of insurance. The company shall use a method and format prescribed by the commissioner of revenue. If the company is unable to use a method and format prescribed by the commissioner of revenue, such company shall cooperate with the IV-D agency to identify another method or format, including submission of written materials. If the company elects to examine information made available by the IV-D agency and such claimant owes past due child support and is subject to a lien, the company shall notify the IV-D agency, no less than ten business days prior to making payment to such claimant, of the claimant's name, address, date of birth and social security number as appearing in the company's file, and such other information appearing in the company's file as the commissioner of revenue may require by regulation in consultation with the commissioner of insurance, using a method and format prescribed by the commissioner of revenue. The company may remit to the IV-D agency the full amount of the lien or the full amount otherwise payable to the claimant at the time that it so notifies the IV-D agency at any time prior to making payment to the claimant, without regard to the ten business day period. If, at any time prior to payment, the IV-D agency notifies the company of its child support lien against such claimant by giving the company a notice of levy pursuant to section 6 of said chapter 119A, the company shall withhold from the payment the amount of past due support as set forth in the notice of levy and shall provide such amount to the IV-D agency for disbursement to the obligee. The child support lien shall encumber the right of the claimant to payment under the policy and the company shall disburse to the claimant only that portion of the payment, if any, remaining after the child support lien has been satisfied.

For the purposes of this section, the word "claimant" shall mean an individual who brings a claim against an insured under a liability insurance policy or the liability coverage portion of a multiperil policy, or a beneficiary under a life insurance policy.

SECTION 154. Section 163 of said chapter 175, as so appearing, is hereby amended by striking out, in lines 29 and 30, the words "three years" and inserting in place thereof the following words:- one year,- and by striking out, in line 38, the words "three year".

SECTION 155. Section 3 of chapter 209A of the General Laws, as so appearing, is hereby amended by striking out, in line 87, the word "nine" and inserting in place thereof the figure:- 8.

SECTION 156. Section 8 of said chapter 209A, as so appearing, is hereby amended by adding the following paragraph:-

The portions of records of cases arising out of an action brought by a plaintiff under the provisions of this chapter, which consist of such plaintiff's current residential address, former residential address, residential telephone number and workplace name, address and telephone number, shall be kept confidential from the defendant and defendant's attorney and shall be withheld from public inspection except by order of the court; provided, however, that such portions of such records shall be accessible at all reasonable times to inspection by

the plaintiff, the plaintiff's attorney and to others specifically authorized by the plaintiff to obtain such information; and provided, further, that such portions of such records shall not be kept confidential from the defendant and the defendant's attorney if they are required to appear on a court order against such defendant issued under the provisions of this chapter. Such portion of the records shall not be deemed to be public under the provisions of clause 26th of section 7 of chapter 4. Upon request of the plaintiff, the court shall impound the plaintiff's current and former residential address, telephone number and workplace name, address and telephone number consistent with this section.

SECTION 157. Section 5E of chapter 210 of the General Laws, inserted by section 19 of chapter 3 of the acts of 1999, is hereby amended by striking out the first sentence, and inserting in place thereof the following sentence:- The department of social services shall submit a report detailing the number and nature, as defined jointly by department and the University of Massachusetts center for adoption research and policy in Worcester, of adoptions processed by the department during each calendar quarter to be filed with said center on the first day of each calendar quarter.

SECTION 158. The first paragraph of section 19 of chapter 211B of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:- The chief justice of administration and management shall not allow a court to exclusively refer all of its cases requiring dispute resolution services to a sole program or provider, except for the purpose of administration within said court of such services.

SECTION 159. Section 1 of chapter 211F of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Commission" the following definition:- "Commissioner", the commissioner of probation.

SECTION 160. Section 2 of said chapter 211F, as so appearing, is hereby amended by striking out, in line 2, the words "chief justice for administration and management of the trial court" and inserting in place thereof the following words:- commissioner of probation.

SECTION 161. Said section 2 of said chapter 211F, as so appearing, is hereby further amended by striking out, in line 9, the words "chief justice for administration and management of the trial court" and inserting in place thereof the following words:- commissioner of probation.

SECTION 162. Said section 2 of said chapter 211F, as so appearing, is hereby further amended by striking out, in line 15, the words "the department of probation" and inserting in place thereof the following words:- administrative office of the trial court.

SECTION 163. Section 3 of said chapter 211F, as so appearing, is hereby amended by striking out, in line 14, the words "chief justice", and inserting in place thereof the following word:- commissioner.

SECTION 164. Section 5 of said chapter 211F, as so appearing, is hereby amended by striking out, in line 1, the words "chief justice" and inserting in place thereof the following word:- commissioner.

SECTION 165. Section 6 of said chapter 211F, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "chief justice for administration and management of the trial court", and inserting in place thereof the following word:- commissioner.

SECTION 166. Chapter 217 of the General Laws is hereby amended by striking out section 23A, as so appearing, and inserting in place thereof the following section:-

Section 23A. In addition to the first assistant registers of probate provided for in section 23, the first justices of the respective courts of the probate and family court department for the following counties may, with the approval of the chief justice of the probate and family court appoint, and may, with the approval of said chief justice, remove assistant registers with the same powers and duties. Said appointments shall be as follows:

Barnstable, 4 assistant registers

Berkshire, 1 assistant register

Bristol, 8 assistant registers

Essex, 3 assistant registers

Franklin, 1 assistant register

Hampden, 3 assistant registers

Hampshire, 1 assistant register

Middlesex, 6 assistant registers

Norfolk, 5 assistant registers

Plymouth, 5 assistant registers

Suffolk, 5 assistant registers

Worcester, 7 assistant registers.

SECTION 167. Said chapter 217 is hereby further amended by inserting after section 23A the following section:-

Section 23B. The registers of probate of the respective courts of the probate and family court department for the following counties may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint one or more administrative deputy assistants; provided, however that such administrative deputy assistants may be removed at the pleasure of said registers of probate. Said administrative deputy assistants shall meet the definition of both confidential and managerial employees as those terms appear in chapter 150E of the General Laws and shall perform no official judicial duties. Said appointments shall be as follows:

Essex, one administrative deputy assistant.

Franklin, one administrative deputy assistant.

Suffolk, two administrative deputy assistants.

Worcester, one administrative deputy assistant.

SECTION 168. Section 27 of said chapter 217, as so appearing, is hereby amended by striking out, in line 2, the word "register" where it first appears and inserting in place thereof the following words:- first justice.

SECTION 169. Section 29C of said chapter 217, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The first justice of the Barnstable probate court may, with the approval of the chief justice of the probate court, designate two employees as deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure.

SECTION 170. Section 29E of said chapter 217, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The first justice of the Hampden probate court may, with the approval of the chief justice of the probate court, designate five employees as deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure.

SECTION 171. Section 29F of said chapter 217, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The first justice of the Worcester probate court may, with the approval of the chief justice of the probate court, designate two employees as deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure.

SECTION 172. Section 35 of said chapter 217, as so appearing, is hereby amended by inserting after the word "registers", in line 1, the following words:- including administrative deputy assistants.

SECTION 173. Said chapter 217 is hereby further amended by inserting after section 35B:-

Section 35C. The salaries of administrative deputy assistants of the probate and family court department shall be \$63,700.

SECTION 174. Chapter 218 of the General Laws is hereby amended by striking out section 10, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 10. The clerk of a district court may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint one or more assistant clerks for whose official acts the clerk shall be responsible, who shall be paid by him unless salaries payable by the commonwealth are authorized in this section or in section 53. In courts having one or more assistant clerks, the clerk may designate one as the first assistant clerk. An assistant clerk with salaries payable by the commonwealth may be appointed in courts the judicial districts of which have, according to the national census last preceding, a population of 60,000 or more, and in the following districts:

- district court of Greenfield;
- district court of southern Berkshire;
- district court of northern Berkshire;
- district court of eastern Essex;
- third district court of Essex;
- district court of Franklin;

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district court of eastern Hampden;
district court of western Hampden;
district court of eastern Hampshire;
district court of Marlborough;
district court of Natick;
first district court of eastern Worcester;
second district court of southern Worcester.

Two assistant clerks with salaries payable by the commonwealth may be appointed

in:

district court of Chicopee;
second district court of Barnstable;
third district court of Barnstable;
district court of central Berkshire;
district court of Holyoke;
district court of Leominster;
district court of central Middlesex;
first district court of northern Middlesex;
first district court of northern Worcester;
first district court of southern Worcester;
second district court of eastern Worcester;
district court of western Worcester.

Three assistant clerks with salaries payable by the commonwealth may be appointed

in:

district court of Peabody;
fourth district court of Bristol;
district court of Fitchburg;
first district court of Barnstable;
district court of Hampshire;
second district court of eastern Middlesex;
district court of Newton;
district court of Southern Norfolk;
municipal court of Brookline.

Four assistant clerks with salaries payable by the commonwealth may be appointed

in:

first district court of eastern Middlesex;
municipal court of the Brighton district;
East Boston district court;
municipal court of the South Boston district;
municipal court of the Charlestown district;
fourth district court of eastern Middlesex;
district court of northern Norfolk;

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third district court of Plymouth;
district court of western Norfolk.

Five assistant clerks with salaries payable by the commonwealth may be appointed

in:

second district court of Plymouth;
district court of Newburyport;
central district court of northern Essex;
first district court of Essex;
first district court of Bristol;
district court of southern Essex;
district court of Lawrence;
district court of Lowell;
fourth district court of Plymouth;
district court of Somerville.

Six assistant clerks with salaries payable by the commonwealth may be appointed

in:

third district court of Bristol;
second district court of Bristol;
first district court of southern Middlesex.

Seven assistant clerks with salaries payable by the commonwealth may be appointed

in:

district court of Brockton;
district court of Chelsea.

Eight assistant clerks with salaries payable by the commonwealth may be appointed

in:

municipal court of the Dorchester district;
district court of West Roxbury district;
district court of East Norfolk.

Nine assistant clerks with salaries payable by the commonwealth may be appointed

in:

central district court of Worcester.

Ten assistant clerks with salaries payable by the commonwealth may be appointed

in:

third district court of eastern Middlesex;
district court of Springfield.

Eleven assistant clerks with salaries payable by the commonwealth may be appointed

in:

municipal court of the Roxbury district court.

One of the 11 assistant clerks for the municipal court of the Roxbury district shall be appointed for juvenile sessions.

Assistant clerks who were appointed under authority of this section, who are paid by the commonwealth, and who have held said appointment for three consecutive years prior

to the effective date of this act shall hold office during good behavior, but subject to applicable retirement laws, and may be removed from office under procedures authorized by section 8 of chapter 211B.

Each assistant clerk appointed prior to January 1, 1987 under the authority of this section and serving continuously in such appointment thereafter shall be entitled to 30 days vacation leave and 30 days sick leave in each calendar year. Any such assistant clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the total amount of vacation days so accumulated shall not exceed 60 and the total amount of sick leave so accumulated shall not exceed 180 days; and provided, further, that no additional such days shall be accumulated on or after January 1, 1987 except in accordance with the policies and procedures established by the chief justice for administration and management pursuant to section 8 of chapter 211B. All other assistant clerks appointed under the authority of this section shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief justice for administration and management pursuant to said section 8.

In the following courts, one of the assistant clerks shall be designated in charge of six-man jury sessions and shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice of administration and management:

- district court of Chelsea;
- third district court of eastern Middlesex;
- district court of Lowell;
- first district court of southern Middlesex at Framingham;
- district court of East Norfolk;
- central district court of Worcester;
- district court of Newburyport;
- district court of Springfield;
- second district court of Plymouth.

In the district court of western Worcester, the central district court of Worcester, the district of Lowell, the district court of East Norfolk and the third district court of eastern Middlesex, the clerk may designate one of his assistant clerks as assistant clerk in charge of the remand list; said list being for the trial of all cases transferred to said court from the superior court under the provisions of section 102C of chapter 231. The salary of said assistant clerk shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation by the chief justice for administration and management.

SECTION 175. The first paragraph of section 53 of said chapter 218, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In the Boston municipal court department, there shall be a clerk and 13 assistant clerks of said court for criminal business and a clerk and 14 assistant clerks of said court for civil business.

SECTION 176. Section 58 of said chapter 218, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Each division shall have a clerk, who shall be appointed by the governor, with the advice and consent of the council and who shall hold office during good behavior, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. The Suffolk county division held at Boston shall have a first assistant clerk and said division shall have nine assistant clerks; the Barnstable county division held at Plymouth shall have a first assistant clerk and said division shall have two assistant clerks; the Bristol county division shall have a first assistant clerk and five assistant clerks; the Franklin and Hampshire counties division shall have an assistant clerk; the Essex county division shall have an assistant clerk; the Berkshire and Hampden counties division held at North Adams shall have an assistant clerk; the Middlesex county division shall have a first assistant clerk and five assistant clerks; the Norfolk county division held at Quincy shall have two assistant clerks; the Plymouth county division shall have a first assistant clerk and two assistant clerks; and the Worcester county division shall have a first assistant clerk and two assistant clerks. Said first assistant clerks and assistant clerks shall be appointed by the clerks of said courts, with all such appointments subject to approval by the chief justice for administration and management with respect to personnel standards promulgated under section 8 of chapter 211B.

SECTION 177. Chapter 221 of the General Laws is hereby amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. In addition to the assistant clerks provided for in section four, the clerks of the courts for the following counties may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint assistant clerks with the same powers and duties. Said appointments shall be as follows:

- Barnstable, 2 assistant clerks
- Bristol, 9 assistant clerks
- Essex, 11 assistant clerks
- Hampden, 8 assistant clerks
- Nantucket, 1 assistant clerk
- Norfolk, 9 assistant clerks
- Middlesex, 26 assistant clerks
- Plymouth, 6 assistant clerks
- Worcester, 11 assistant clerks

Suffolk, (a) superior court department, by the clerk of the superior court department for criminal business, 21 assistants; (b) superior court department, by the clerk of the superior court department for civil business, 24 assistants; (c) supreme judicial court, by the clerk of the supreme judicial court for said county, a second assistant clerk, designated from his office force and a third assistant clerk, designated from his office force.

SECTION 178. Said chapter 221 is hereby further amended by inserting after section 6M the following two sections:-

Section 6N. The clerk of the courts for the county of Bristol may designate, subject to removal by the court or by the clerk, one of the assistant clerks for said county to perform, under the direction of said clerk, the duties of clerk pertaining to the civil proceedings in said court. The assistant clerk shall receive from the commonwealth a sum equivalent to 5 per cent of the salary of the clerk in addition to the salary paid to the assistant.

Section 6O. The clerk of the courts for the county of Bristol may designate, subject to removal by the court or by the clerk, one of the assistant clerks for said county to perform, under the direction of the clerk, the duties of clerk pertaining to the equity proceedings in said court. The assistant clerk shall receive from the commonwealth a sum equivalent to 5 per cent of the salary of the clerk in addition to the salary paid to him as an assistant clerk.

SECTION 179. Section 6F of chapter 231 of the General Laws, as so appearing, is hereby amended by adding the following four paragraphs:-

Upon receiving an inmate's complaint and affidavit of indigency, the court may, at any time, upon motion or sua sponte: (1) dismiss a claim or any action without a hearing if satisfied that the claim or action is frivolous or in bad faith; or (2) conduct a hearing presided over by the court or an appointed master, which shall be held telephonically unless the court finds that a hearing in court is necessary, to determine whether the inmate's action is frivolous and in bad faith.

If the court finds that the claim or action is frivolous or in bad faith, the court shall dismiss the claim or action but if, after hearing, the court finds that the claim is both frivolous and in bad faith in order to abuse the judicial process, the court shall, in addition to dismissing such claim or action, order that the inmate lose up to 60 days of good conduct credit earned or to be earned pursuant to section 129C or 129D of chapter 127.

If the court finds at any time that the inmate has repeatedly abused the integrity of the judicial system through frivolous filings, the court may order that the inmate be barred from filing future actions without leave of court. In determining whether a claim or action is frivolous or in bad faith, the court may consider several factors including, but not limited to, the following:- (a) whether the claim or action has no arguable basis in law or in fact; (b) the claim or action is substantially similar to a previous claim in that it is brought by and against the same parties and in that the claim arises from the same operative facts of the previous claim.

No finding shall be made that a claim or action is frivolous or in bad faith solely because a novel or unusual argument or principle of law was advanced in support thereof.

SECTION 180. Section 27A of chapter 261 of the General Laws, as so appearing, is hereby amended by inserting after the word "clothing", in line 13, the following words:-, but an inmate shall not be adjudged indigent pursuant to section 27C unless the inmate has complied with the procedures set forth in section 27H and the court finds that the inmate is incapable of making payments under the plan set forth said section 27H.

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SECTION 181. Said section 27A of said chapter 261, as so appearing, is hereby further amended by adding the following definition:-

"Inmate", a person committed to, held by or in the custody of the department of correction or a state, county or federal correctional facility or the treatment center under chapter 123A.

SECTION 182. Said chapter 261 is hereby further amended by adding the following section:-

Section 29. (a) If an inmate brings an action in a court of the commonwealth against a state or county agency, official or employee and requests a waiver of filing fees or court costs due to indigency pursuant to section 27B, the court shall require the commissioner of correction or his designee or a county sheriff or his designee to file a copy of a current account statement of the inmate's account and a copy of the inmate's activity sheet for the preceding six months.

(b) The inmate shall file a signed affidavit containing the following information: the inmate's name, social security number, date of birth, inmate identification number and correctional facility; assets including, but not limited to, cash, monies in bank accounts, real property, other investments and all assets of a spouse to which the inmate has legal access; income received in the past six months and income expected to be received in the next six months; liabilities and monthly expenses.

The affidavit shall also state as follows: "I state under the pains and penalties of perjury that the statements made in this affidavit are true, that I have not omitted any assets that are available to me to pay filing fees or court costs, that I have not transferred any assets to avoid payment of filing fees and costs, and that I have not taken any action nor has any action been taken on my behalf relative to any assets in order to avoid having such assets used for payment of filing fees and costs."

(c) Actions brought by inmates subject to the provisions of subsection (a) shall include all actions arising out of or resulting from a condition of or occurrence during confinement. A petition alleging a claim cognizable under section 1 of chapter 248 shall not be subject to the provisions of this section.

(d)(1) The court shall order the inmate to pay, as a partial payment of any filing fees and court costs, 20 per cent of the preceding six months' average balance in the inmate's account and, thereafter, monthly payments of 10 per cent of the average monthly balance in the inmate's account, until all such fees are paid, provided that the payment amount to be drawn from the inmate's account is equal to or greater than \$10.

(2) The court shall issue such an order unless it finds that the inmate is incapable of making payments under such a plan or if the court determines, at any time, that such order imposes an undue administrative burden upon the court.

(3) Upon receipt of a copy of the court's order, the inmate shall forward a copy of the order to the commissioner of correction or to the county sheriff and to the superintendent of the correctional facility having custody over the inmate along with a written request for an initial payment from the inmate's account to be paid to the court. The inmate shall forward

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to the commissioner or the county sheriff and the superintendent a true copy of the written request for payment to the court from the inmate's account not later than ten working days prior to the date each monthly payment is due.

(4) The superintendent shall withdraw such payments as the order requires and shall forward them to the clerk of the appropriate court. The court may, on its own or on motion of either or both parties, dismiss a claim at any time if the inmate fails to request payment from the superintendent or otherwise fails to pay filing fees as ordered by the court.

(e) The court may appoint a master to review inmate claims of indigency and make recommendations to the court. The court or master may conduct a hearing on the inmate's claim of indigency either before or after service of process and may dismiss a claim or action if the court finds that the allegation of indigency is untrue. Any hearing on an inmate's claim of indigency shall be conducted telephonically unless the court finds that a hearing in court is necessary.

(f) In addition to any other actions or penalties that may be available by law, if, after hearing, the court finds that the affidavit submitted by the inmate contains false information or omits material information and if the court further finds that the misrepresentation or omission was intentional, the court may impose costs on the inmate. If, after hearing, the court finds that the affidavit is frivolous and filed in bad faith in order to abuse the judicial process, the court shall order that the inmate lose up to 60 days of good conduct credit earned or to be earned pursuant to section 129C or 129D of chapter 127.

SECTION 183. Chapter 268 of the General Laws is hereby amended by inserting after section 21 the following section:-

Section 21A. An officer or other person who is employed by or contracts with any penal or correctional institution in the commonwealth, and who, in the course of such employment or contract or as a result thereof, engages in sexual relations with an inmate confined therein, within or outside of such institution, or an inmate who is otherwise under the direct custodial supervision and control of such officer or other person, shall be punished by imprisonment for not more than five years in a state prison or by a fine of \$10,000 or both. In a prosecution commenced under this section, an inmate shall be deemed incapable of consent to sexual relations with such person. For purposes of this section, sexual relations shall include intentional, inappropriate contact of a sexual nature, including, but not limited to conduct prohibited by section 22 or 24 of chapter 265 or section 2, 3, 35 or 53A of chapter 272.

SECTION 184. Section 57 of chapter 276 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "court", in line 15, the following words:- ; provided, however, that any person authorized to take bail shall accept, if offered, cash or a certified bank check drawn on a financial institution as defined in section 1 of chapter 63.

SECTION 185. Section 87A of said chapter 276, as so appearing, is hereby amended by striking out, in line 10, the words "forty-five dollars" and inserting in place thereof the following figure:- \$50.

SECTION 186. Chapter 645 of the acts of 1948 is hereby amended by striking out section 4, as amended by section 1 of chapter 232 of the acts of 1989, and inserting in place thereof the following section:-

Section 4. A project shall become an approved project, as defined in section three: (i) after it has been approved by the board for the purposes of sections seven to twelve, inclusive; (ii) upon certification by the department of education that adequate provisions have been made for children with special needs, as defined in section 1 of chapter 71B of the General Laws; and (iii) upon a determination by said department that, for all applications submitted after June 1, 1999 for elementary school projects, adequate provisions have been made for anticipated enrollment levels and projected demand for kindergarten education, as determined by said department. Applications to the board for capital construction projects shall be made and approval shall be obtained before construction is undertaken.

SECTION 187. Section 9 of said chapter 645 is hereby amended by adding the following clause:-

(e) In each fiscal year the board may provide funding for major reconstruction projects as approved by said board; provided, that said board shall rank eligible projects based on applications received after July 1, 1999; provided further, that no funds shall be expended for projects that have been completed as of July 1, 1999. The approved projects shall be funded from the same item as projects that are funded in clauses (2) and (3) of subsection (d) of this act. The board shall establish the repayment schedule for the projects based on the estimated useful life of the project; provided, that said repayment schedule shall not exceed 20 years and shall be based on five year increments.

SECTION 188. Salaries for employees subject to chapter 728 of the acts of 1975, chapter 797 of the acts of 1981, chapter 399 of the of the acts of 1991, and chapter 413 of the acts of 1992 shall be subject to step increases consistent with the provisions of sections 45 and 46C of chapter 30 of the General Laws.

SECTION 189. Section 2 of chapter 797 of the acts of 1981 is hereby repealed.

SECTION 190. Section 92 of chapter 71 of the acts of 1993, as amended by chapter 220 of the acts of 1997, is hereby further amended by inserting after the word "Laws", in line 5, the following words:- ; provided, further, that until July 1, 2001, section 41 shall not apply to a school nurse employed by a school committee who has been employed by a municipality within the preceding two years, or to a school nurse employed by a school committee who has been employed as either a community health nurse or child health nurse and earned the degree of bachelor of science in nursing prior to June 18, 1993.

SECTION 191. Section 58 of chapter 475 of the acts of 1993 is hereby further amended by striking out the third sentence, as amended by section 260 of chapter 194 of the acts of 1998, and inserting in place thereof the following sentence:- Section 2A shall take effect on January 1, 2001.

SECTION 192. Section 276 of chapter 60 of the acts of 1994 is hereby amended by

striking out, in lines 15 and 16, the words "Health Protection Fund created under section two T of chapter twenty-nine of the General Laws" and inserting in place thereof the following words:- Health Care Security Trust Fund established under chapter 29D of the General Laws.

SECTION 193. Chapter 291 of the acts of 1994 is hereby repealed.

SECTION 194. The fourth paragraph of subsection (f) of section 110 of chapter 5 of the acts of 1995 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The commissioner shall make such a determination in writing based on such criteria, which shall include, but not be limited to: (1) whether the recipient has received and or rejected offers of employment, has quit a job without good cause or has been fired for cause; (2) the degree to which the recipient has cooperated and is cooperating with the agency in work-related activities; and (3) whether the recipient needs a reasonable amount of time, as determined by the commissioner, to complete a recognized education or training program.

SECTION 195. Section 341 of chapter 38 of the acts of 1995 is hereby amended by striking out the last sentence, as most recently amended by section 266 of chapter 194 of the acts of 1998, and inserting in place thereof the following sentence:- Said commission shall report its recommendations to the clerks of the house of representatives and the senate on or before June 30, 2000.

SECTION 196. Section 7 of chapter 81 of the acts of 1995 is hereby amended by adding the following paragraph:-

Any financial institution which was taxed under the provisions of chapter 62 of the General Laws or sections 30 to 42, inclusive, of chapter 63 of the General Laws for its taxable year beginning 1994 shall be taxed as a financial institution for the taxable year beginning on or after January 1, 1999 and all successive taxable years; but a partnership subject to the definition of financial institution in clause 9 of section 1 of chapter 63 of the General Laws, which as of January 1, 1995, was subject to supervision and examination by the commissioner of banks and whose partners have been subject to tax with respect to income from the partnership under the provisions of chapter 62 and have been filing in the commonwealth on that basis, shall continue to be so taxed and shall not be taxed as a financial institution pursuant to said chapter 63. The provisions of sections 1 to 2A, inclusive, of chapter 63 of the General Laws shall otherwise apply to said partnership and the partners for purposes of determining the gross income of a non-resident individual from sources within the commonwealth under sections 5A of chapter 62 of the General Laws.

SECTION 197. Section 82 of chapter 120 of the acts of 1995 is hereby repealed.

SECTION 198. Section 83 of chapter 120 of the acts of 1995 is hereby amended by striking out paragraph (b).

SECTION 199. Item 7220-0961 of section 2 of chapter 267 of the acts of 1995 is hereby amended by striking out, in lines 3 and 4, the words "five million dollars" and inserting in place thereof the following words:- up to \$9,000,000.

SECTION 200. Chapter 28 of the acts of 1996 is hereby amended by striking out section 22 and inserting in place thereof the following section:-

Section 22. There is hereby established within the Massachusetts business development council, a Commercial Fishing Conversion Vessel Loan Fund, hereinafter referred to in this section as the conversion fund. It shall be the objective of the conversion fund to provide a portion of the capital necessary to allow commercial fishing vessels licensed by the commonwealth to convert from present ground fishing capabilities to more inclusive fish harvesting technologies. Any commercial vessel licensed by the commonwealth and owned by a resident of the commonwealth, corporation, or partnership may apply to the Massachusetts business development council for a conversion loan, subject to the following conditions:

(a) The maximum loan provided by the conversion fund for any single vessel shall not exceed \$500,000;

(b) Each conversion fund loan shall make its best effort to match the dollar amount from another financing source, the amount of which may be determined by the Massachusetts business development council, with the conversion fund giving priority to loan applications that have received local community or industry funds as a source of matching loan or grant funds;

The conversion fund loan shall be subject to such terms and conditions as may be approved from time to time by the Massachusetts business development council including, but not limited to, any rules and regulations promulgated to effectuate the purposes of this section.

SECTION 201. Section 49 of chapter 204 of the acts of 1996 is hereby repealed.

SECTION 202. Sections 2K, 21 and 22 of chapter 205 of the acts of 1996 are hereby repealed.

SECTION 203. Item 6033-9717 of section 2B of chapter 11 of the acts of 1997 is hereby amended by striking out the words "that \$100,000 shall be expended for the assistance on improvements to roads known as Glendale and Mill in the town of Hampden" and inserting in place thereof the following words:- that \$100,000 shall be expended for assistance on improvements to South Monson Road in the town of Hampden.

SECTION 204. Sections 1, 3, 4, 5, 6, 7, 7A, 9, 10, 11, 12, 13, 13A, 16, 17, 18, 21, 22, 24 of chapter 48 of the acts of 1997 are hereby repealed.

SECTION 205. Chapter 78 of the acts of 1998 is hereby amended by inserting after section 20 the following section:-

Section 20A. In order to defray a portion of the expenses of the department under this act and under chapter 275 of the acts of 1989, a portion of the funds provided in sections 19 and 20 and of any other funds at any time credited or transferred to the trust, not to exceed four percent of the total state funds so credited or transferred, may be expended for administration of the programs established under section 14 and under said chapter 275, including consultant services or salaries of employees. No such funds shall be transferred

or used for administrative costs until said department, with the approval of the secretary of environmental affairs and the secretary of administration and finance, shall have submitted to the house and senate committees on ways and means, on or before October fifteenth of each year, a plan for the use of any such funds to be expended for the department's administrative costs for the next 12 months.

SECTION 206. Item 0330-2209 in section 2 of chapter 189 of the acts of 1998, is hereby amended by striking out the following words "the relocation of the Ipswich district court facility to the building in Ipswich known as the Ipswich Whipple Middle School and the improvement thereof" and inserting in place thereof the following words:- the improvement of the Ipswich district court facility located in a building known as the Ipswich Town Hall.

SECTION 207. Item 0330-2208 in chapter 189 of the acts of 1998 is hereby amended by striking out the words "the acquisition and construction of a parking facility for the new district court facility in the city of Taunton;" and inserting in place thereof the following words:- the acquisition and construction of a parking deck facility and additional parking for the new district court facility in the city of Taunton;.

SECTION 208. Chapter 194 of the acts of 1998 is hereby amended by striking out section 390 and inserting in place thereof the following section:-

Section 390. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established a special commission to study the potential reuse of the building and grounds of the core campus, so-called, of the Dever State School, which shall evaluate the best use of said property from a community and regional perspective. Said core campus shall be identified as the property originating at the main entrance of the Dever State School, located on Bay street in the city of Taunton, containing the functional buildings of the campus and constituting approximately 60 acres. The commission shall consist of the commissioner of capital asset management and maintenance, or his designee; the commissioner of mental retardation, or his designee; the director of economic development, or his designee; one member appointed by the Southeastern Regional Planning and Economic Development District; one member appointed by the mayor of the city of Taunton; two members from the department of mental retardation region V citizen advisory board to be appointed by the commissioner of said department; one member of the Dever Association; one member representative of the AFL-CIO; the state senator from the first Plymouth & Bristol district; the state representative from the third Bristol district; the state representative from the fourth Bristol district; the state representative from the fifth Bristol district; and one member appointed by the greater Taunton chamber of commerce. The commission shall file a report and recommendations with the house and senate committees on ways and means not later than June 30, 2000.

SECTION 209. Section 409 of said chapter 194 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Said commission shall report to the general court the results of its study and its recommendations, together with drafts of legislation necessary to carry such recommendations into effect by filing the

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same with the clerk of the house of representatives on or before June 1, 2000.

SECTION 210. Section 42 of chapter 206 of the acts of 1998 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The attorney general shall submit the results of the study and its recommendations to the clerks of the senate and house of representatives on or before February 28, 2000.

SECTION 211. Chapter 293 of the acts of 1998 is hereby amended by striking out sections 1 to 11, inclusive, and inserting in place thereof the following 11 sections:-

Section 1. For the purpose of this act, the following words shall have the following meanings:-

"Land Bank Fund", town land bank funds established pursuant to section 5.

"Town open space committee" or "town committee", an agency, board, department, commission or committee appointed, designated or established by the board of selectmen, or in the town of Barnstable by the town council, to carry out the provisions of this act relative to acquiring open space. Nothing herein shall prohibit a town from appointing or designating a local nonprofit land trust or conservation organization as said town committee.

Section 2. There is hereby established a Cape Cod Open Space Land Acquisition Program for the purpose of acquiring land and interests in land for the protection of public drinking water supplies, open space, and conservation land, the creation of walking and bicycling trails, and the creation of recreational areas.

Section 3. Any real property interest in open space purchased with land bank funds shall be retained in natural, scenic, or open condition and shall be bound by a permanent deed restriction limiting the use of the interest to the purpose for which it was acquired. Said deed restriction shall run with the land and shall be enforceable by either a land trust or an appropriate state agency including, but not limited to, the office of the attorney general or the executive office of environmental affairs. Real property interests may consist of any of the following: (a) land to protect existing and future well fields, aquifers and recharge areas; (b) agricultural lands; (c) forest land; (d) fresh and salt water marshes and other wetlands; (e) ocean and pond frontage, beaches, dunes and other coastal lands; (f) land to protect scenic vistas; (g) land for natural or wildlife preserve; (h) land and easements for trails; and (i) land for recreational use. Notwithstanding the foregoing, towns may make improvements to promote recreation that are not inconsistent with such use.

Section 4. The board of selectmen in each town of Barnstable county, and in the town of Barnstable, the town council, shall appoint a town open space committee to carry out the purposes of this act. Town committee members shall serve without compensation. Said committee shall recommend to the town meeting, or in the town of Barnstable, the town council, acquisition of specified land areas which qualify as land bank purchases in accordance with the purposes set forth in section 3.

The town committees shall recommend acquisitions of interests in real property and other expenditures consistent with section 3 to the town meeting, or, in the town of Barnstable, the town council. In considering the recommendations of any such acquisition, town committees shall use as a guideline local and regional open space plans, master plans,

and local comprehensive plans, if any. Real property interests acquired by a town under this act shall be owned and managed by said town; provided, however, that the board of selectmen or town council, whichever is appropriate, may delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203 of the General Laws, or, in the case of interests to acquire sites for future wellhead development, by a water company, a water district, a water supply district, or a fire district.

Section 5. Notwithstanding the provisions of section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, a town which votes to participate in the Cape Cod Open Space Land Acquisition Program shall establish a separate account to be known as the Land Bank Fund for the purposes set forth in section 3. Such account shall be maintained by the treasurer, and the following monies shall be deposited into said account: (i) all monies collected from the additional excise under section 6 or bond proceeds in anticipation of revenue pursuant to section 7; and (ii) any funds received from the commonwealth or any other source for such purposes; provided, however, that funds received from the commonwealth pursuant to section 10 shall provide a 50 per cent match only to those monies collected from the additional excise under section 6. The treasurer may invest the funds in such separate account in the manner authorized by section 54 of said chapter 44. Any interest earned thereon shall be credited to and become part of such separate account.

Towns may use land bank funds, in whole or in part, as matching funds for the purpose of providing a match under the land conservation program created under section 11 of chapter 132A of the General Laws, under section 8 or under any other state or federal open space acquisition program consistent with the purposes of this act. The availability of funds under this act shall not affect the eligibility of any town to receive funds under said section 11 of said chapter 132A or to receive funds from any state or federal open space acquisition program. Not more than 3 per cent of said funds may be used for maintenance and improvement to property purchased with land bank funds.

Section 6. Notwithstanding the provisions of chapter 59 of the General Laws or any other general or special law to the contrary, any town which votes to participate in the Cape Cod Open Space Land Acquisition Program, in accordance with the provisions of this act, shall impose an additional excise on real property in an amount equal to 3 per cent of the real estate tax levy against said property. Said additional excise shall initiate with the next fiscal year for real estate tax bills following the vote of the town to participate in said program. Any amount of said additional excise not paid by the due date shall bear interest at the rate per annum provided in section 57 of chapter 59 of the General Laws. The collector shall have for the collection of sums assessed under this section all remedies provided by chapter 60 of the General Laws for the collection of taxes upon real estate. The amount of said additional excise shall not be included in any calculation of total taxes assessed for purposes of section 21C of chapter 59 of the General Laws. All exemptions and abatements of real property tax authorized by said chapter 59 or any other law for which a taxpayer qualifies is eligible shall not be affected by this act.

Section 7. Any town, which votes to participate in the Cape Cod Open Space Land Acquisition Program, may issue, from time to time, general obligation bonds or notes in anticipation of revenues to be received pursuant to section 6. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. Except as otherwise provided in this act, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of chapter 44 of the General Laws. The maturities of each issue of bonds or notes issued under this act shall be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue said bonds or notes, or in the alternative, in accordance with a schedule providing for a more rapid amortization of principal. Towns which choose to issue bonds pursuant to this section shall make every effort to limit the administrative costs of so issuing bonds by cooperating among each other using methods including, but not limited to, common issuance of bonds or common retention of bond counsel.

Section 8. There is hereby established in the department of revenue, a program to provide for matching funds to be awarded to the towns in Barnstable county for open space acquisition, watershed protection, recreational uses and related activities to protect the natural and recreational resources of Barnstable county. To be eligible to participate in such grant program, a town must have voted to participate in the Cape Cod Open Space Land Acquisition Program in accordance with the provisions of this act. Annually on November 15, the commissioner of revenue shall grant to each town that votes to participate in said program, an amount from the Cape Cod Land and Aquifer Protection Fund established in section 10. Said amount shall be 50 per cent of the amount the commissioner certifies has been collected in the preceding fiscal year by such town from the additional excise under section 6.

Section 9. The state secretary shall cause the following question to be placed on the official ballot to be used in each of the 15 towns comprising Barnstable county at the biennial state election to be held in the year 1998:- "Shall an act passed by the general court in the year 1998 entitled 'An Act Relative to the Establishment of the Cape Cod Open Space Land Acquisition Program', to acquire open space and conservation land, provide bicycling and walking trails, enhance opportunities for recreation and protect public drinking water supplies, and to be funded by an additional excise on real property, but not affecting existing abatements and exemptions, and expiring on January 1, 2020, be accepted?" If a majority of votes cast in a town in answer to said question is in the affirmative, then this act shall take full effect in such town.

If a majority of votes cast in a town at said election in answer to said question is in the negative, then said town shall not participate in the Cape Cod Open Space Land Acquisition Program. If a majority of votes cast in a town at said election in answer to said question is in the affirmative, then said town shall participate in the Cape Cod Open Space Land Acquisition Program.

After the first two years following the effective date of this act and every two years thereafter, a town may, by a majority vote of those voting in the annual town election choose to participate in the Cape Cod Open Space Land Acquisition Program. Said program shall be effective at the beginning of the next fiscal year in any town which so chooses to participate pursuant to this section.

Section 10. There is hereby established on the books of the commonwealth a Cape Cod Land and Aquifer Protection Fund to be administered by the commissioner of revenue for the purpose of provided matching grants to municipalities in Barnstable county that acquire land for open space and aquifer protection. Said fund shall be established as an expendable trust and not subject to appropriation.

Matching grants from said fund shall be limited to only those properties approved for acquisition by a municipality after September 1, 1998. Matching grants shall only be permitted to be used for acquisitions consisting of interests in real property consisting of the uses contained in section 3.

The comptroller is hereby authorized and directed to transfer from the general fund to the Cape Cod Land and Aquifer Protection Fund established by this section the amount of \$15,000,000 not later than June 30, 1998. Said amount shall be available for disbursement until November 30, 2002.

Section 11. There is hereby established a study committee to investigate the efficacy and utility of using revenues from a locally approved increase in the room occupancy tax or other source of revenue to further fund the Land Bank Funds established pursuant to section 5. Said committee shall consist of two members of the house of representatives, two members of the senate, a designee of the Cape Cod chamber of commerce economic development division, a designee of the Cape Cod Commission, a designee of the Association for the Preservation of Cape Cod, a designee of working together for a better Cape Cod, and a designee of the Barnstable county economic development commission. The committee shall file a report of its findings and recommendations and drafts of legislation necessary to put its recommendations into effect with the house and senate committees on ways and means and the joint committee on natural resources and agriculture on or before November 1, 1999.

SECTION 212. Section 21 of chapter 485 of the acts of 1998 is hereby repealed.

SECTION 213. Item 4401-1001 in section 2 is hereby amended by inserting after the words "personal responsibility and work opportunity reconciliation act of 1996, so-called;" the following words:- ; provided further, that recipients may meet 50 per cent of the required work hours by participating in a recognized job training or education program approved by the department; provided further, if said recipient fails to complete said job training or education program, then that recipient will be ineligible to receive any future reduction in their work requirement.

SECTION 214. Notwithstanding the provisions of section 30 of chapter 29 of the General Laws or any other general or special law to the contrary, the division of energy resources may procure, in accordance with all applicable procurement and solicitation laws,

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comprehensive motor vehicle insurance coverage for electric vehicles purchased for use in the commonwealth's electric vehicle demonstration program. Nothing in this section shall be construed to require any additional state appropriated funds for the division of energy resources. The coverage may continue or be renewed until the conclusion of said vehicle demonstration program.

SECTION 215. Notwithstanding the provisions of chapter 111J of the General Laws to the contrary, subject to such rules and regulations as the department of public health may prescribe, said department may issue a license in alcohol and drug counseling without examination to an applicant who is practicing in the commonwealth as an alcohol and drug counselor on the effective date of this act and who applies for licensure within one year of the effective date of this act; provided, however, that the applicant meets all other qualifications and requirements for licensure and establishes, through an alternate means acceptable to the department, competency in each subject area covered by the examination.

SECTION 216. Notwithstanding any provisions of section 5 of chapter 118G of the General Laws to the contrary, the amount assessed to acute hospitals in fiscal year 2000 for the estimated expenses, including indirect costs, of the division of health care finance and policy shall be equal to the amount appropriated by the general court in items 4100-0060 and 4100-0061 in section 2 less amounts projected to be collected in fiscal year 2000 from (1) filing fees, (2) fees and charges generated by the division's publication or dissemination of reports and information, and (3) federal financial participation received as reimbursement for the division's administrative costs. Said assessed amount shall not be less than 75 per cent of the division's expenses as specified herein.

SECTION 217. Notwithstanding any provision of chapter 29C of the General Laws to the contrary, the Water Pollution Abatement Trust established under said chapter 29C may provide loans to local governmental units for water pollution abatement projects and sewer projects constructed pursuant to chapter 83 of the General Laws, for which betterments are assessed pursuant to chapter 80 of the General Laws with a useful life, and in no case greater than 30 years, and otherwise on such terms and conditions as the trust shall require, and in connection therewith the trust may determine that the subsidy of other financial assistance provided to local governmental units from earnings from the investment of reserves allocable to such loans shall be deemed to be the financial equivalent of a grant of 25 per cent of the eligible costs of the projects financed by such loans and that the additional subsidy or assistance provided from contract assistance received under section 6 or section 6A of said chapter 29C, together with such earnings, shall be deemed to be the financial equivalent of a grant of 50 per cent of such eligible costs or such greater percentage as may be authorized and directed by said section 6 or said section 6A but the total amount of contract assistance paid by the commonwealth over the life of such loan, shall not exceed the amount of contract assistance that would have been paid if such loan had been made for a 20 year period.

SECTION 218. Notwithstanding the provisions of section 103 of chapter 32 of the General Laws, a retirement board may grant a cost of living adjustment no greater than three

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per cent for fiscal year 2000 at any time during said fiscal year and said cost of living adjustment shall be retroactive to July 1, 1999; provided, however, that subsection (i) of said section 103 has been accepted by the retirement board and legislative body as defined in said subsection (i). Except as otherwise provided herein, a cost of living adjustment calculation approved under the provisions of this act, shall be subject to the provisions of said section 103 of said chapter 32.

SECTION 219. Notwithstanding the provisions of section 17 of chapter 44 of the General Laws, the officers of a city, town or regional school district authorized to issue bonds, notes or certificates of indebtedness for a school construction project for which it has received notice that it has filed a completed school building assistance application with the department of education and that the project has been placed by the department on the school building assistance priority list, may refund, by the issuance of refunding notes, a temporary loan issued in anticipation of money to be derived from the sale of such bonds, notes or certificates; provided, however, that the period from the date of issue of the original temporary loan to the final maturity of any such refunding notes shall not exceed five years. The refunding notes shall not be required to be paid in part from revenue funds of the city, town or regional school district until the end of the fiscal year following the fiscal year in which the board of education approves the project for a school construction grant pursuant to the provisions of chapter 645 of the acts of 1948 or a successor school construction grant statute. The time within which the serial bonds, notes or certificates of indebtedness issued to pay refunding temporary notes issued hereunder shall be due and payable shall be extended by the period from the date of the original temporary loan to: (a) the date of issue of such serial bonds, notes or certificates; or (b) the end of the fiscal year in which the board of education approves the project for a school construction grant, whichever date is earlier.

SECTION 220. Notwithstanding the definition of "net school spending" in section 2 of chapter 70 of the General Laws, for the purpose of calculating the minimum required local contribution for fiscal year 2000, pursuant to said chapter 70, the department of education shall consider health care costs for retired teachers to be part of net school spending for any town in which health care costs for retired teachers were considered to be part of net school spending in fiscal year 1994. The department shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994. If there is a conflict between the provisions of this section and the distributions listed in section 3, the provisions of said section 3 shall control.

SECTION 221. Notwithstanding the provisions of subsection (d) of section 5 of chapter 161A of the General Laws, as amended by this act, the first change in fares charged by the Massachusetts bay transportation authority since its last change in 1991, provided such change is not more than a 25 per cent systemwide increase, shall not be subject to the provisions of sections 61 through 62H of chapter 30 of the General Laws; provided, that all subsequent changes to said fares shall be subject to subsection (d) of said section 5 of said chapter 161A.

SECTION 222. Notwithstanding the provisions of section 163 of chapter 175 of the General Laws or the provision of any general or special law to the contrary, any license issued and renewed on or after July 1, 1998 and on or before June 30, 1999 pursuant to said section 163 of said chapter 175, shall expire three years from the date of issuance, unless sooner revoked or suspended, or unless the company by written notice filed with the commissioner cancels the acting authority of the agent. Any license issued and renewed on or after July 1, 1999 and on or before June 30, 2000 pursuant to said section 163 of said chapter 175, shall expire two years from the date of issuance, unless sooner revoked or suspended, or unless the company by written notice filed with the commissioner cancels the acting authority of the agent. Any license issued and renewed on or after July 1, 2000 and on or before June 30, 2001 pursuant to said section 163 of said chapter 175, shall expire one year from the date of issuance, unless sooner revoked or suspended, or unless the company by written notice filed with the commissioner cancels the authority of the agent.

SECTION 223. Notwithstanding the provisions of section 12 of chapter 490 of the acts of 1980, the department of housing and community development may authorize neighborhood housing services corporations to retain, reassign, and re-loan funds received in repayment of loans made pursuant to the neighborhood housing services rehabilitation program.

SECTION 224. Notwithstanding section 44 of chapter 85 of the acts of 1994, as amended by section fifty of chapter fifteen of the acts of 1996, or any other general or special law to the contrary, the commissioner of the department of environmental management is authorized to convey to the town of Brewster a leasehold interest in the Crosby Mansion, so-called, and two cottages in Nickerson State Park; provided, that the use of said mansion and cottages shall be for town municipal purposes, and for promoting the appreciation of said mansion and historic resources. Said lease shall contain terms and conditions established by the department, including but not limited to, establishing that (1) the use of said mansion and cottages shall be in compliance with all statutes, regulations and executive orders, including but not limited to, those governing environmental protection, (2) the town shall secure and maintain all necessary approvals and permits, (3) the use of said mansion and cottages shall not interfere with the commonwealth's use and operation of adjacent property as a state part, and (4) the term of such lease shall be 25 years, subject to extension for another 10 years at the discretion of said commissioner. The area of said leasehold shall be described in a plan prepared by said department entitled "Land and buildings in Nickerson State Park to be leased to the town of Brewster." Should said use terminate, or should said commissioner determine that said town has failed to comply with any of the above mentioned or other terms of the established lease entered into between said department and said town, the property described herein above shall revert to said department.

SECTION 225. Notwithstanding the provisions of item 1108-5200 of section 2 to the contrary, there is hereby established in fiscal year 2000 a pilot project to validate the cost-effectiveness, consumer satisfaction and long term viability of establishing the commonwealth's share of group insurance commission premiums and rates at 75 per cent.

Said pilot program shall encompass the active employees of the executive office, the office of the secretary of administration and finance, and the fiscal affairs division. Said pilot project shall not apply to part-time employees or employees subject to collective bargaining agreements for which said 75 per cent rate has not been collectively bargained. The executive director of the group insurance commission shall ensure that an anonymous consumer satisfaction survey of said employees is conducted that evaluates their receptiveness to and appreciation of the savings accruing to the commonwealth under said pilot project. Said survey shall also review the cost sharing required of state employees in other jurisdictions in relation to the compensation paid to such employees and the cost of living in said jurisdictions. The results of said survey shall be reported to the governor and the house and senate committees on ways and means no later than March 1, 1999 and shall be taken into consideration in the development of the governor's budget recommendations for the fiscal year beginning July 1, 2000.

SECTION 226. Notwithstanding the provisions of section 2 of chapter 184 of the acts of 1997 or any other general or special law, the Massachusetts Water Resources Authority shall be reimbursed \$200,000 from the proceeds of the sale of the property for its costs and expenses through June 30, 1999 of its environmental remediation of the parcel identified in section 1 of said chapter 184 prior to the deposit of sale proceeds into the accounts identified in section 2 of said chapter 184. The authority shall be further reimbursed annually for any remediation costs and expenses incurred by it after June 30, 1999 from the sale proceeds deposited into the Metropolitan Parks Trust Fund identified in section 2 of said chapter 184.

SECTION 227. Notwithstanding the provisions of any general or special law to the contrary, funds in the Commonwealth Sewer Rate Relief Fund, established by section 22Z of chapter 29 of the General Laws, shall be available to mitigate sewer rate increases due to debt service obligations created by issuing eligible indebtedness. For the purposes of this section, eligible indebtedness shall mean debt issued on or after January 1, 1990, which has a final date of maturity more than five years after the date of issuance and which is incurred, wholly or in substantial part, to finance or refinance the costs of planning, design, or construction of any water pollution abatement project, or part thereof, required to be constructed to meet the provisions of the Federal Water Pollution Control Act, 33 U.S.C. sections 1251 et seq., and sections 26 to 53, inclusive, of chapter 21 of the General Laws, or any wastewater collection or transportation project related thereto. Eligible indebtedness shall not include any indebtedness for which the issuer has received assistance provided from state grants. Notwithstanding any provisions of this section to the contrary, eligible indebtedness shall include indebtedness incurred to finance the metrowest water supply tunnel, so-called. Eligible indebtedness shall include indebtedness incurred pursuant to loan agreements under the provisions of chapter 275 of the acts of 1989 which exceeded \$50,000,000 by June 30, 1995 and the debt service attributable thereto for any year for purposes of this section shall be the net obligation borne by the issuer after application of any credits, subsidies, or assistance, however characterized, provided under the provisions of the aforementioned laws.

No city, town, district, commission, agency, authority, board or other instrumentality of the commonwealth or any of its political subdivisions, which is responsible for the ownership or operation of wastewater treatment projects, and is authorized to finance all or any part of the cost thereof through the issuance of eligible indebtedness in this section called an issuer, shall receive relief authorized by this section in excess of 20 per cent of its annual debt service obligations due to eligible indebtedness. The division of local services of the department of revenue, in consultation with the department of environmental protection, shall develop guidelines to certify an issuer's eligible indebtedness and shall create a process to equitably distribute funds to eligible issuers, in order to mitigate extraordinary increases in sewer costs. Funds disbursed in fiscal year 2000 shall be disbursed on or before March 31, 2000. The board, office or commission responsible for setting sewer charges in each city, town, district, or commission that either receives aid itself or is a member of a regional entity that receives aid pursuant to the provisions of this section shall certify to the division of local services that it has reduced sewer charges to reflect its share of any such aid.

SECTION 228. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance is hereby authorized and directed to charge state agencies in fiscal year 2000 as hereinafter provided for computer resources provided by the information technology division, and may establish such regulations, procedures, and schedules of fees as he deems necessary to implement the provisions of this section. The chief information officer shall administer said charges on behalf of said secretary.

Within 14 days of the effective date of this act, the chief information officer shall notify agencies regarding the chargeback methodology to be used in fiscal year 2000, shall notify said agencies of the amount of their estimated computer resource charges for said fiscal year, and shall require said agencies to encumber funds in an amount sufficient to meet said estimated charges. Said estimated charges shall include actual costs incurred in the twelfth month of fiscal year 1999 plus estimated costs to be incurred in the first eleven months of fiscal year 2000. Notwithstanding the provisions of section 12 of chapter 29 of the General Laws or any other general or special law to the contrary, agencies are hereby authorized to pay such fiscal year 1999 costs from funds made available to them by appropriation or otherwise for fiscal year 2000. For any agency that fails within thirty days of the enactment of this act to encumber funds sufficient to meet said estimated charges, the comptroller shall so encumber funds on behalf of such agency.

Not later than ten days after the close of each month during fiscal year 2000, the chief information officer shall (1) determine the amount of actual computer resource costs incurred by each agency in that month, (2) notify each agency of said amounts, (3) charge said amounts to each agency's accounts, and (4) transfer said amounts to item 1790-0200 of section 2. Actual computer resource costs incurred by each agency in the twelfth month of fiscal year 2000 shall be charged to funds made available to them by appropriation or otherwise for fiscal year 2001.

The chief information officer is hereby authorized to expend in fiscal year 2000 an amount not to exceed \$16,109,322 from said item 1790-0200 for the cost of computer resources and services provided to agencies by the information technology division, including the purchase, lease, or rental of telecommunications lines, services, and equipment that are centrally billed to the commonwealth, in accordance with policies, procedures, and rates approved by the secretary of administration and finance; provided, that an amount not to exceed \$1,800,000 of said \$16,109,322 may be expended for such costs incurred in fiscal year 1999; and provided further, that notwithstanding the provisions of any general or special law to the contrary, charges for the cost of computer resources and services provided by the information technology division for the design, development, and production of reports and information required for the analysis and development of appropriation bills shall not be charged to any item of appropriation of the house of representatives or the senate, or to any joint legislative appropriation item, in fiscal year 2000.

SECTION 229. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance may prevent the encumbrance of appropriations made in section 2 by such amounts as the secretary shall deem appropriate to reflect the reduced cost of electricity which has or will result from the implementation of chapter 164 of the acts of 1997. The secretary shall notify the house and senate committees on ways and means prior to preventing said encumbrance. Nothing herein shall grant any authority to said secretary that is not specifically referenced herein.

SECTION 230. Notwithstanding the provisions of any general or special law to the contrary, except for sections 52 to 55, inclusive, of chapter 7 of the General Laws, the secretary of administration and finance shall in fiscal year 2000 identify and pursue projects to optimize non-tax revenue management and collections by the commonwealth. The secretary or his designee may enter into contracts with private vendors and enter into interdepartmental service agreements with departments to identify and pursue said projects. Private vendors shall be compensated from non-tax revenues collected by such projects in excess of the non-tax revenues established by such contracts as the minimum to be collected by each such project. For the purposes of this section, such payments to vendors for services performed shall be known as "vendor participation payments," amounts allocated from item 1599-0033 of section 2 to participating departments pursuant to the provisions of this section shall be known as "department incentive payments," and non-tax revenue collected pursuant to this section, after deduction of vendor participation payments, department incentive payments, and other charges directed to the Maximization Fund, established by section 2R of chapter 29 of the General Laws, shall be known as "net additional revenue." For the purposes of this section the terms "department" or "participating department" shall mean any department, agency, board, commission, office, or institution under the executive control of the governor or other constitutional officer and determined by the secretary to be participating in the revenue optimization projects authorized by this section.

A vendor shall be compensated only if (1) the revenue achieved for each specific revenue source is new revenue, provided, that new revenue shall be defined as revenue in

addition to revenue collected during the base period for each revenue source; and (2) in the event of revenue sources which are caseload-driven federal reimbursements, so called, the ratio of that revenue source to the reimbursable expenditure has exceeded the highest such ratio during the base period.

A department shall receive department incentive payments pursuant to this section and item 1599-0033 of section 2 only if both (1) the collection of a fee or any other non-tax revenue during fiscal year 2000 is greater than the highest amount of revenue collected from said fee or other non-tax revenue during the base period; and (2) the total revenue collected by such department in fiscal year 2000 is in excess of the amount projected in section 1B for each department, office, commission and agency or its successor.

For the purposes of this section the words "base period" shall refer to the fiscal years beginning on July 1, 1993 and ending on June 30, 1999. Revenues which are attributable to a new fee or a newly reimbursable service or clientele shall be considered to have a base period revenue level of zero. The commonwealth shall retain all rights in software programs developed pursuant to any contract executed under this section.

The comptroller shall deposit in the Maximization Fund all monies collected pursuant to the provisions of this section. The comptroller is hereby authorized to allocate from said fund, upon direction of the secretary of administration and finance, department incentive payments up to the amount of the appropriation contained in said item 1599-0033 to participating departments pursuant to the following calculations: (a) an amount not to exceed \$2,000,000 when the net additional revenue accumulates to \$10,000,000, or (b) an amount not to exceed \$2,500,000 when the net additional revenue accumulates to \$15,000,000, or (c) an amount not to exceed \$3,000,000 when the net additional revenue accumulates to \$20,000,000, or (d) an amount not to exceed \$3,500,000 when the net additional revenue accumulates to an amount equal to or greater than \$25,000,000. Eighty-five per cent of said allocations shall be distributed to participating departments in proportion to the amount of revenues collected by each such individual department as a per cent of the total amount of revenues collected under the provisions of this section. The remaining 15 per cent shall be distributed to participating departments at the discretion of said secretary, regardless of the amount of revenues generated from the projects conducted by each such individual department. The comptroller shall transfer to the general fund at the close of the fiscal year any balance remaining in the Maximization Fund after providing for said allocations, vendor participation payments, and other charges to said Maximization Fund; provided however that no expenditure shall be made from said Maximization Fund that would cause said fund to be in deficit at the close of the fiscal year. Departments receiving allocations pursuant to said item 1599-0033 may, subject to the provisions of this section, expend such funds without further appropriation after obtaining the written approval of said secretary or his designee of a plan detailing said proposed expenditures, together with the necessary allocations and reallocations of funds, and the filing of such approved plan with the house and senate committees on ways and means not less than ten days in advance of any

such allocation or reallocation. All expenditures made pursuant to the provisions of this section and said item 1599-0033 shall be for one-time expenses which shall not recur in fiscal year 2001 or a subsequent fiscal year. Funds appropriated for expenditure by the provisions of this section and said item 1599-0033 shall not be used to supplant purposes authorized in any other item of appropriation in section 2, or appropriated in any supplemental appropriation act enacted in fiscal year 2000 or a subsequent fiscal year. Any unexpended balance of said allocations at the end of each fiscal year shall revert to the General Fund except to the extent that said approved spending plan for such an allocation includes multi-year expenditures.

The secretary of administration and finance and the comptroller shall report, not later than January 31 of each year, to the house and senate committees on ways and means on the results and operations of the revenue optimization projects authorized by this section, for the six-month period ending the preceding month. Such information shall detail, by each vendor, project, and department: the amount of vendor participation payments paid to each vendor, the net additional revenue retained by the commonwealth, the amounts allocated or reallocated to each such participating department pursuant to said item 1599-0033 and this section, and the estimated annual receipts, payments, and allocations for the fiscal year.

The secretary of administration and finance and the comptroller shall report to the house and senate committees on ways and means, not later than July 31 of each year, the preceding information for the prior fiscal year, the total of all vendor participation payments made to each vendor, and the net additional revenue collected by each project over the duration of the project. On or before July 31 of each fiscal year, the secretary of administration and finance and the comptroller shall submit to the house and senate committees on ways and means a plan detailing, by executive office and department, the net additional revenue estimated to be collected under the provisions of this section in the fiscal year. The provisions of this section shall remain in effect until July 1, 2001.

SECTION 231. The suggestion awards board, established pursuant to section 31A of chapter 7 of the General Laws, may make cash awards, pursuant to the provisions of said section 31A and according to the board's published rules and regulations governing the selection process and criteria, to employees of the commonwealth who are instrumental in identifying or implementing ideas which reduce costs or increase revenues for the commonwealth. Such awards may be paid, in a manner to be approved by the secretary of administration and finance, from the operating appropriations of the agencies which realize reduced costs or from monies allocated from the maximization fund to agencies which realize increased revenues as a result of the employee's suggestions or efforts. The amount of any award shall equal not more than 10 per cent of the reduced costs or increased revenues generated by the employee's suggestion, up to a maximum of \$5,000 to any one individual over the term of this section, unless a larger award shall be approved by the general court, and all such awards shall be reported quarterly to the house and senate committees on ways and means detailing the recipient of such award, the recipient's department and title, the amount of the award, the reason for the award and the amount of money saved or realized

by the commonwealth. No person shall be eligible to receive an award who is in a position classified as M-V or above, as provided in section 46C of chapter 30 of the General Laws, or is not a state employee. The provisions of this section shall remain in effect until June 30, 2001.

SECTION 232. Section 231 of this act is hereby repealed.

SECTION 233. Notwithstanding the provisions of any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for said purpose; but payments to private vendors on account of said project shall be made only from the actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects. The comptroller may establish procedures, in consultation with the budget director and the affected departments, that he deems appropriate and necessary to accomplish the purpose of this section; but nothing herein shall be construed to allow the comptroller or the budget director to establish any accounts without prior approval. The budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance opportunities which are undertaken pursuant to the provisions of this section. The comptroller shall report on the projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws.

SECTION 234. (a) Notwithstanding the provisions of any general or special law to the contrary, there is hereby established the Massachusetts performance enhancement program which shall provide the opportunity for designated agencies to improve their management systems and enhance their performance by streamlining services, reducing paperwork and analyzing and reviewing their policies and procedures including, but not limited to, fiscal and human resources management, procurement, technology and facilities' operation and maintenance.

(b) The program shall be implemented by a commission which shall be jointly chaired by the secretary of administration and finance and the comptroller. There shall be seven additional members of the commission who shall be appointed by the governor. Such members shall include the chairperson of the Massachusetts Taxpayers Foundation or his designee; a representative from business and industry to be selected from three nominees provided by the Massachusetts business roundtable; a representative from organized labor to be selected from three nominees provided by the Massachusetts State Labor Council, AFL-CIO; a faculty member from a graduate school of public administration or public management at an institution of higher education located in the commonwealth and three other members appointed by the governor, after consultation with the secretary of administration and finance and the comptroller. Participating agencies, including the operational services division and one agency to be selected by the chairs of the commission, shall serve as and be hereinafter collectively referred to as the designated agencies.

(c) In evaluating each designated agency, the commission shall work with a team of not less than six and not more than ten employees from each such agency which shall include an equal number of management employees and nonsupervisory, nonmanagement employees. The management employee members of each designated agency team shall be selected by the administrative head of the designated agency on or before December 15, 1999. The nonsupervisory, nonmanagement employee members shall be selected either by a vote of the nonsupervisory, nonmanagement employees in the designated agency on or before December 1, 1999 or, if no such selection is made by said date, then by the joint chairpersons of the commission on September 1, 1999. Three members of the commission shall serve on each relevant designated agency team. An agency team may hire a consultant to help it achieve its goals and objectives. Each designated agency shall also provide necessary assistance to its agency team and the commission for the performance of its duties.

(d) Each designated agency team shall submit to the commission for approval a preliminary work plan which shall include a preliminary agency evaluation, spending plan, program design and specific project proposals on or before January 1, 2000. No funds appropriated for use by the commission shall be allocated to the designated agency teams until such time as the work plan has been submitted and approved by the commission.

(e) The commission, in consultation with the designated agency team, shall, on or before March 1, 2000, submit to the house and senate committees on ways and means and the joint committee on state administration an interim report and tentative recommendations, and shall, on or before June 30, 2000, submit to said committees a final report concerning each designated agency. The interim and final reports shall analyze and provide recommendations and implementation plans concerning methods for maximizing or improving management policies and practices and for generating cost savings. The recommendations and implementation plans shall not focus primarily on agency staffing levels. The reports shall also demonstrate the results of any ongoing or completed projects undertaken by the agency teams or the full commission. The reports shall include benchmarks for measuring an agency's performance before and after the implementation of any such projects by the teams or the full commission. Any cost savings realized by an agency through implementation of the performance enhancement program shall be placed in a retained revenue account held by the agency for one-time expenditures.

SECTION 235. Notwithstanding the provisions of any general or special law to the contrary, the department of economic development or any agency within its purview shall consider in the grant review process the other funding sources of any applicant for a business assistance or regional development grant and may require such applicants to disclose, before obtaining said grant, any and all personal, financial, or contractual relationships that such organizations, or officers, agents, or employees thereof, may have with any other domestic or international, public, private, or non-profit organization, including but not limited to, those organizations sharing similar organizational missions or purposes. If such information is required, said department may withhold any of said grants if the applicant fails to provide such information.

SECTION 236. The chief information officer of the information technology division within the executive office for administration and finance shall coordinate and oversee the year 2000 compliance efforts of the executive departments. All executive departments shall cooperate to the fullest extent with said chief information officer and shall provide him, or his designees, with such information and reports as he may require. Said chief information officer shall also review technology budgets for the year 2000 compliance and remediation efforts of executive departments, regardless of whether such efforts are funded with capital, operating, federal or trust funds. All information technology equipment purchases for the year 2000-related projects shall be made in consultation with the governor's advisory committee on information technology in conjunction with said chief information officer. Said chief information officer shall ensure that all such departments comply with the year 2000 compliance and validation standards established pursuant to section 360 of chapter 194 of the acts of 1998.

The information technology division shall report not later than January 1, 2000 and quarterly thereafter, to the house and senate committees on science and technology and to the house and senate committees on ways and means the status of the year 2000 compliance efforts of all such departments including, but not limited to, compliance, testing, development of business continuity plans, the amount expended on equipment, consultants and personnel by all departments and the degree to which funds expended for year 2000-related projects are appropriate and not duplicative of expenditures made with funds from other sources; provided, that for the period after January 1, 2000, said division shall also detail any further expenditures made related to the year 2000 problem and any further compliance or remediation activities.

SECTION 237. Notwithstanding the provisions of any general or special law to the contrary, funds appropriated in items 4000-0860, 4000-0870, 4000-0880, 4000-0890 and 4000-0891 of section 2 shall be expended in fiscal year 2000 according to the budget neutrality plan, so-called, required by section 9B of chapter 118E of the General Laws. If the commissioner of medical assistance, in the course of the fiscal year, determines that expenditures exceed the projections established in the plan for fiscal year 2000, or require substantial revisions to projected expenditures in subsequent fiscal years, the commissioner shall, within ten days, notify the secretary of administration and finance, the joint committee on health care and the house and senate committees on ways and means. If the commissioner determines that amounts appropriated in the items are insufficient to meet the purpose of any item, said commissioner may file a plan to reallocate among the items up to 10 per cent of the amounts appropriated in the items with the clerks of the house and senate. Copies of the reallocation plan shall also be provided to the house and senate committees on ways and means and the executive office for administration and finance. A reallocation plan shall include the following: (a) the amount proposed for transfer from each item; (b) the amount proposed for transfer to each item; (c) revised expenditure projections for each item; and (d) revised member month caseload assumptions and per member per month cost assumptions on which the reallocation plan is based. The reallocation plan shall be deemed approved if

the general court takes no action to disapprove the reallocation plan within 45 days of its filing with said clerks. Once the reallocation plan is approved, the comptroller shall transfer funds among the items as proposed in such reallocation plan. Any subsequent reallocation of funds among the items shall require the explicit approval of the general court in a supplemental appropriation act.

SECTION 238. Notwithstanding the provisions of any general or special law to the contrary, the state treasurer may make payments pursuant to the provisions of section 38C of chapter 29 of the General Laws from items 0699-0015 and 0699-9100 of section 2 of this act; provided, however, that such payments shall pertain to the bonds, notes, or other obligations authorized to be paid from each item.

SECTION 239. Notwithstanding the provisions of any general or special law to the contrary, items 4130-1000, 4130-3200, 4130-3300, 4400-1000, 4400-1100, 4400-9999, 4401-1000, 4403-2000, 4403-2110 and 4403-2120 in section 2 shall be charged to the Transitional Aid to Needy Families Fund, according to the approximate percentage established in the fund split, so-called, for each such item. Such approximate percentage so applied to each such item shall be not more than five percentage points above or below such approximation for the purposes of achieving maintenance of historic expenditures, so-called, minimizing federal interference with the provisions of state law, and maximizing the effective use of federal funds consistent with the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and chapter 5 of the acts of 1995. Such percentage so applied shall be based upon certification to the comptroller by the department of transitional assistance that such percentage reflects the appropriate distribution of actual expenditures necessary to achieve said purposes. Such percentage so charged shall be subject to the approval of the secretary of administration and finance. Expenditures not charged to the Transitional Aid to Needy Families Fund shall be charged by the comptroller to the general fund for each such item unless specified otherwise. The department of transitional assistance shall report quarterly to the house and senate committees on ways and means on the expenditures charged to each such fund and the reasons therefor including, but not limited to, eligibility requirements established by said federal act and said chapter 5 and the relationship between the caseload distribution and costs. Such reports shall be filed not more than 30 days following the close of each state fiscal quarter.

SECTION 240. Notwithstanding the provisions of any general or special law to the contrary, items 1599-1976, 4130-2998, 4130-3100, 4130-3200, 4130-3300 and 4130-3600 in section 2 of this act shall be charged to Child Care Fund according to the approximate percentage established in the fund split, so-called, for each such item. Such approximate percentage so applied to each such item may range not more than five percentage points above or below such approximation for the purposes of maximizing federal reimbursement and meeting federal maintenance of effort requirements. Such percentage so applied shall be based upon certification to the comptroller by the office of child care services and the department of transitional assistance that such percentages reflect the appropriate distribution

of actual expenditures necessary to achieve said purposes. Such percentage so charged shall be subject to the approval of the secretary of administration and finance.

SECTION 241. There is hereby established on the books of the commonwealth a separate fund to be known as the Asbestos Cost Recovery Fund. Notwithstanding the provisions of any general or special law to the contrary, all sums awarded or received by the commonwealth, after the payment of fees and expenses, as a result of settlement, trial or judgment from Suffolk Superior Court No. 90-3791-A, Commonwealth of Massachusetts v. Owens Corning Fiberglass, et al., and other actions brought to recover damages relating to asbestos-containing materials in buildings owned or operated by the commonwealth, or received as dividend payments by the commonwealth on account of the bankruptcy of any manufacturer, seller or distributor of asbestos-containing materials in buildings owned or operated by the commonwealth, shall be segregated and deemed to be held in said fund. The division of capital asset management shall develop a plan for the orderly expenditure of such sums as are received by the Asbestos Cost Recovery Fund for the purposes of encapsulation, removal of asbestos, and costs related thereto. The plan shall contain provisions for emergencies, the short term and long term control of asbestos in buildings owned or operated by the commonwealth, and the removal and disposition of asbestos-containing materials located in such buildings. Any funds deposited as described above may be expended by said division, subject to appropriation, consistent with the purposes of this section.

SECTION 242. The comptroller is hereby authorized and directed to transfer the amount of \$30,000,000 from the General Fund to the uncompensated care pool established pursuant to the provisions of chapter 118G of the General Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 1999; provided, that said payments shall be made to hospitals prior to, and in anticipation of, the payment by hospitals of their gross liability to said pool; and provided further, that the comptroller is hereby authorized and directed to transfer from said pool to the General Fund not later than June 30, 2000, the amount of the transfer authorized herein and any allocation thereof as certified by the commissioner of the division of health care finance and policy.

SECTION 243. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance is hereby authorized and directed to charge state agencies in fiscal year 2000 as hereinafter provided for workers' compensation costs, including related administrative expenses, incurred on behalf of the employees of said agencies. Administrative expenses shall be allocated based on each agency's per cent of total workers' compensation benefits paid in fiscal year 1999. The personnel administrator shall administer said charges on behalf of said secretary, and may establish such rules and procedures as he deems necessary to implement the provisions of this section.

Within 14 days of the effective date of this act, the personnel administrator shall notify agencies regarding the chargeback methodology to be used in fiscal year 2000, shall notify said agencies of the amount of their estimated worker's compensation charges for said fiscal year, and shall require said agencies to encumber funds in an amount sufficient to meet

said estimated charges. Said estimated charges for each agency in said fiscal year shall be not less than the amount of the actual workers' compensation costs, including related administrative expenses, incurred by each such agency in fiscal year 1999, and may include such additional amounts as are deemed necessary under regulations promulgated pursuant to this section. Said estimated charges shall include actual costs incurred in the fourth quarter of fiscal year 1999 plus estimated costs to be incurred in the first three quarters of fiscal year 2000. Notwithstanding the provisions of section 12 of chapter 29 of the General Laws or any other general or special law to the contrary, agencies are hereby authorized to pay such fiscal year 1999 costs from funds made available to them by appropriation or otherwise for fiscal year 2000. For any agency that fails within 30 days of the enactment of this act to encumber funds sufficient to meet said estimated charges, the comptroller shall so encumber funds on behalf of such agency.

Not later than ten days after the close of each quarter during fiscal year 2000, the personnel administrator shall (1) determine the amount of the actual worker's compensation costs incurred by each agency in that quarter, including related administrative expenses, (2) notify each agency of said amounts, (3) charge said amounts to each agency's accounts, and (4) transfer said amounts to item 1750-0105 of section 2. Actual worker's compensation costs incurred by each agency in the fourth quarter of fiscal year 2000, including related administrative expenses, shall be charged to funds made available to them by appropriation or otherwise for fiscal year 2001.

Said secretary is hereby further authorized to charge workers' compensation-related fringe benefit assessments to federal grants and trust accounts, and the comptroller is hereby authorized to transfer the amounts of such assessments from federal grants and trust accounts to said item 1750-0105, pursuant to procedures established by said comptroller.

The personnel administrator is hereby authorized to expend in fiscal year 2000 an amount not to exceed \$45,993,573 from said item 1750-0105 for hospital, physician, benefit, and other costs related to workers' compensation for employees of state agencies, including administrative expenses; provided, that an amount not to exceed \$13,000,000 of said \$45,993,573 may be expended for such costs incurred in fiscal year 1999.

SECTION 244. Notwithstanding the provisions of any general or special law to the contrary, if an amount earmarked within any item of section 2 is insufficient to accommodate the full value of the rate increases provided under item 1599-6896 of section 2 of chapter 43 of the acts of 1997, item 1599-6897 of section 2 of chapter 194 of the acts of 1998 and item 1599-6898 of section 2 of this act, such earmark may be increased to accommodate such rate increases, subject to the approval of the secretary of administration and finance; provided, however, that in no event shall the amount of any earmark in section 2 of this act be decreased. The secretary of administration and finance shall report to the house and senate committees on ways and means on all such increases not more than 30 days after such increases have been approved.

SECTION 245. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer, without further appropriation, as of June 30, 2000,

\$36,952,082 from the General Fund to the Children's and Seniors' Health Care Assistance Fund, established by section 2FF of chapter 29 of the General Laws.

SECTION 246. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer not later than December 31, 1999, the sum of \$50,000,000 from the Transitional Escrow Fund, established pursuant to section 46 of chapter 68 of the acts of 1999, to the Highway Fund.

SECTION 247. Notwithstanding the provisions of any general or special law to the contrary, the comptroller may transfer from the following items in section 2 such amounts as otherwise would be unexpended on June 30, 2000, to those of the following said items which otherwise would have insufficient amounts to meet debt service payments for the fiscal year ending June 30, 2000; provided, however, that each amount transferred shall be charged to the funds as specified in the item to which such amount is so transferred: 0699-0015 and 0699-9100.

SECTION 248. Notwithstanding the provisions of any general or special law to the contrary, federal reimbursements received for administrative expenditures made pursuant to the provisions of items 4000-0300, 4000-0308, 4000-0309, 4000-0310, and 4000-0325 of section 2 shall be credited proportionally to the general fund and to the Children's and Seniors' Health Care Assistance Fund established pursuant to section 2FF of chapter 29 of the General Laws in the same percentages as expenditures are made from each such item from said funds; but all federal revenues received pursuant to an enhanced rate of reimbursement authorized pursuant to the provision of Title XXI of the federal Social Security Act shall be credited to said Children's and Seniors' Health Care Assistance Fund.

SECTION 249. For hospital fiscal year 2000, the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, shall be \$315,000,000. For state fiscal year 2000, notwithstanding the provisions of any general or special law to the contrary, \$30,000,000 generated by federal financial participation made available under Title XIX of the Social Security Act to reimburse the costs of said trust fund for disproportionate share hospitals shall be deposited into said trust fund.

SECTION 250. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund \$32,000,000 for the intergovernmental funds transfer component of disproportionate share payments to certain acute care hospitals established in accordance with Title XIX of the Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Medicaid state plan, and the terms and conditions of agreements reached with the division for such transfer payments. Such funds may be expended only for such payments owed during the current fiscal year. No funds shall be expended unless a public entity is legally obligated to make an intergovernmental funds transfer to the division for deposit into said medical assistance intergovernmental transfer account in an amount specified in an agreement with

such entity. An accounting of such payments shall be reported quarterly to the house and senate committees on ways and means. All revenues generated pursuant to the provisions of this section shall be credited to said medical assistance intergovernmental transfer account.

SECTION 251. Notwithstanding the provisions of any special or general law to the contrary, the division of medical assistance shall expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund \$45,000,000 for the intergovernmental funds transfer component of Medicaid payments to the University of Massachusetts Memorial Hospital for hospital services provided pursuant to the terms and conditions of the contract between the division and said hospital. Programs funded pursuant to this section shall not create recurring liabilities to the commonwealth in future fiscal years. Said medical assistance intergovernmental transfer account shall be reimbursed \$22,500,000 by the University of Massachusetts medical school pursuant to this section. The University of Massachusetts medical school shall submit to the house and senate committees on ways and means a report detailing the programs funded from revenue associated with this section, not later than February 24, 2000.

SECTION 252. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may, during fiscal year 2000 and the accounts payable period for said fiscal year, expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not to exceed \$192,000,000 for a program of MassHealth supplemental payments, so called, to certain publicly-operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the Medicaid state plan. Such funds may be expended only for services rendered during fiscal year 2000. Such expenditures shall reduce payments from the uncompensated care pool, established pursuant to the provisions of section 18 of chapter 118G of the General Laws, to such entities by an amount comparable to the net revenues received by such entities under this section. Said division shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to the provisions of this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for expenditure by this section shall be funded in part through intergovernmental transfers to the commonwealth or municipal or other non-federal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account not less than one-half of the gross amounts of supplemental payments, so-called, made by the division under managed care contracts with said commissions.

SECTION 253. Notwithstanding the provisions of subsection (c) of section 18 of chapter 118G of the General Laws or any other general or special law to the contrary, in fiscal year 2000, all expenditures for the insurance reimbursement program established pursuant

to section 9C of chapter 118E of the General Laws shall be made from the Children's and Seniors' Health Care Assistance Fund established pursuant to section 2FF of chapter 29 of the General Laws. The comptroller shall transfer \$47,000,000 from the Uncompensated Care Trust Fund established by said section 18 of said chapter 118G to said Children's and Seniors' Health Care Assistance Fund. The transfer shall only be made in monthly allotments of not more than one-twelfth of the total amount approved for transfer herein. Federal funds obtained pursuant to such expenditures shall be deposited in said Children's and Seniors' Health Care Assistance Fund.

SECTION 254. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to transfer any surplus or deficit in the Collective Bargaining Fund to the General Fund.

SECTION 255. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to transfer any surplus or deficit in the Assisted Living Administrative Fund to the General Fund.

SECTION 256. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to transfer any surplus or deficit in the Cost Relief Fund to the General Fund.

SECTION 257. (a) Upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, the department of revenue may recalculate the minimum required local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2000. Based on the criteria outlined in this section, the department shall recalculate the minimum required local contribution for a municipality's local and regional schools and shall certify the amounts calculated to the department of education.

(b) A city or town that used qualifying revenue amounts in a fiscal year which shall not be available for use in the next year or that shall be required to use revenues for extraordinary nonschool-related expenses for which it did not have to use revenues in the preceding fiscal year or that has an excessive certified municipal revenue growth factor which is also greater than or equal to one and one-half times the state average municipal revenue growth factor, may appeal to the department of revenue not later than January 1, 2000 for an adjustment of its minimum required local contribution and net school spending.

(c) If a claim is determined to be valid, the department of revenue may reduce proportionately the minimum required local contribution amount based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year but no adjustment to the minimum required local contribution on account of an extraordinary expense raised in the budget of the fiscal year ending on June 30, 2000 shall affect the calculation of the minimum required local contribution in subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay surplus and other available funds.

(d) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth

factor is valid, said department shall recalculate such municipal revenue growth factor and the department of education shall use such revised growth factor to calculate preliminary local contribution, minimum required local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in minimum required local contribution.

(e) Upon the request of the board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, in a majority of the member municipalities, a regional school district which used qualifying revenue amounts in a fiscal year that shall not be available for use in the next fiscal year shall appeal to the department of revenue not later than January 1, 2000 for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce the net school spending requirement based on the amount of the shortfall in revenue and reduce the minimum required local contribution of member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

(f) A regional school district which received regional school incentive aid in fiscal year 1995 shall, upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, in a majority of the member municipalities, appeal to the department of education for an adjustment in the minimum required local contribution of its member municipalities. The department of education may reduce the increased assessment of the member municipalities as a result of the reorganization of the regional school district by using a portion of the regional incentive aid to reduce the prior year local contribution.

(g) If the regional school budget has already been adopted by two-thirds of the member municipalities, then upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of the member municipalities in accordance with the reduction in minimum required local contributions approved by the department of revenue or the department of education in accordance with the provisions of this section.

(h) Notwithstanding the provisions of clause (14) of section 3 of chapter 214 of the General Laws or any other general or special law to the contrary, the amounts so determined shall be deemed to be the minimum required local contribution described in said chapter 70. The house and senate committees on ways and means and the joint committee on education, arts and humanities shall be notified by the department of revenue and the department of education of the amount of any reduction in the minimum required local contribution amount.

(i) In the event that a city or town has an approved budget that exceeds the recalculated minimum required local contribution and net school spending amounts for its local school system or its recalculated minimum required local contribution to its regional school districts as provided by this section, the local appropriating authority shall determine

the extent to which the community shall avail itself of any relief authorized under this section.

(j) The amount of financial assistance due from the commonwealth in fiscal year 2000 under said chapter 70 or any other provision of law shall not be changed on account of any redetermination of the required minimum local contribution under this section.

(k) The department of revenue and the department of education shall issue guidelines for their respective duties under this section.

SECTION 258. Notwithstanding the provisions of the Individuals with Disabilities Education Act, 20 U.S.C. sec.1400 et seq. and its implementing regulations, the department of education shall continue in effect and enforce its regulations which were in effect on January 1, 1999, requiring the provision of special education designed to meet the individual needs of children who attend private schools at private expense; provided, however, that the department may remove any reference to federal law from its regulations pertaining to children with special needs who attend private schools at private expense.

SECTION 259. Notwithstanding the provisions of any general or special law to the contrary, the department of education shall collaborate with the division of local services of the department of revenue to complete audits of city, town and regional school district spending of chapter 70 school aid. Any regulations, guidelines or protocols related to the performance of said audits which are adopted or promulgated separately by said department and said division, shall be compatible and shall identify discrete audit responsibilities for said department and said division for joint audits. Notwithstanding the provisions of executive order 393 to the contrary, verification of financial and spending data conducted for the purposes of said audits shall be the primary duty and obligation of the division of local services, and analysis of district education practices performed for the purposes of said audits shall be the primary duty and obligation of the department of education. Analysis of district education practices shall include, but not be limited to the evaluation of the alignment of curriculum and professional plans with the state curriculum frameworks and assessments as well as a review of the progress of student achievement. For districts with foundation enrollment of 1,000 students or more, said department shall request the assistance of the division of local services of the department of revenue to assist in the financial compliance portion of said audits and shall coordinate the assistance of said division. Said division shall collaborate with said department to perform not less than 24 school district audits. For all joint audits, said department shall coordinate the assistance of said division and publish final audit reports. Said reports shall be standardized in structure, organization, approach and subject content. Each such report shall include a study of the impact of unanticipated growth in enrollments and the costs of special education on municipal education budgets, where applicable, including but not limited to the impact of said costs on other areas of appropriation within the municipal budget. Said department shall make available to said division information collected through its information management system, so-called, to assist in the tracking of individual student data and Massachusetts comprehensive assessment system test results. Said reports shall be made available to the house and senate committees

on ways and means, and the joint committee on education, arts, and the humanities, upon their completion.

SECTION 260. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the division of capital asset management and maintenance may, upon the request of a public institution of higher education, delegate project control and supervision to that institution over projects whose estimated cost is less than \$500,000 if said commissioner determines that the institution has the ability to control and supervise such project; provided, further, for projects for which not less than one-half of the funds are from nongovernmental sources, with the approval of the governor, public institutions of higher education and the state college building authority may use an alternative mode of procurement of design and construction including, but not limited to, sequential, construction management, turnkey, design/build procurement and the phasing of separate or combined phases, which shall most efficiently, economically and best serve the interests of said institution or authority. In all cases, said institution or authority shall use procedures which shall be compatible with the policies and procedures for the selection of designers in sections 38A½ to 38 O, inclusive, of chapter 7 of the General Laws and with the policies and procedures for the selection of contractors in sections 44A to 44H, inclusive, of chapter 149 of the General Laws to the extent feasible in light of the mode selected.

SECTION 261. Notwithstanding the provisions of any general or special law to the contrary, the board of education shall not amend the regulations promulgated pursuant to chapter 71B of the General Laws in a manner which would alter the procedural or substantive protections provided to children with special needs as embodied in regulations in effect on March 1, 1999, until the earlier of: (1) completion of the general court's contracted study of the standard of care for the delivery of education services to children with special needs and passage thereafter of any amendments to said chapter 71B, or (2) August 31, 2000; provided, however, that nothing in this section shall limit the board of education's authority to amend such regulations, in order to comply with the federal special education law. Any regulations promulgated by the board after March 1, 1999 that are inconsistent with this section shall be invalid.

SECTION 262. Notwithstanding the provisions of any general or special law to the contrary, in order to meet the estimated costs of employee fringe benefits provided by the commonwealth on account of employees of the Massachusetts State College Building Authority and the University of Massachusetts Building Authority, and in order to meet the estimated cost of heat, light, power, and other services, if any, to be furnished by the commonwealth to projects of said authorities, the boards of trustees of the state colleges and the university of Massachusetts shall transfer to the general fund from the funds received from the operations of said projects such costs, if any, as shall be incurred by the commonwealth for the aforesaid purposes in the current fiscal year, as determined by the appropriate building authority, verified by the chancellor of higher education, and approved by the secretary of administration and finance.

SECTION 263. The Massachusetts Maritime Academy is hereby authorized to borrow up to \$3,000,000 through the Massachusetts Health and Educational Facilities Authority for the purposes of funding capital construction and renovation costs associated with campus building and facilities expansion. Any amount borrowed through said authority pursuant to this section shall be contingent upon a match of at least \$1 in funds committed by said academy for every dollar borrowed. Amounts funded through state appropriation or student fees shall not be considered valid matching funds for the purposes of the requirements set forth herein. The provisions contained in section 29 of chapter 267 of the acts of 1995 shall apply to any agreement authorized pursuant to this section.

SECTION 264. Notwithstanding the provisions of any general or special law to the contrary, the city of Worcester is hereby directed to transfer to Quinsigamond Community College an amount equal to 75 per cent of the fiscal year 2000 projected operating costs assumed by said college for the integration of the post-secondary education program of the Worcester Technical Institute. For the purposes of this section, the projected operating costs of said integration shall be determined by the board of higher education. The amount transferred from said city to said college shall not exceed, under any circumstances, that portion of said city's state education aid, calculated pursuant to the provisions of chapter 70 of the General Laws, which is directly attributable to the fiscal year 1999 post-secondary enrollment at Worcester Technical Institute. The amount transferred from said city to said college shall, in fiscal year 2000, be considered part of said city's net school spending requirement, so-called, under chapter 70 of the General Laws.

SECTION 265. (a) The division of health care finance and policy shall calculate rates for nursing facilities, as currently defined in the division's regulations, that open on or after February 1, 1998 and that have a determination of need approved before January 1, 1989, as provided in this section. The rate shall be effective from the date of licensure until the end of the rate year in which the total number of beds approved in the determination of need become fully licensed.

(b) The costs for nursing and director of nurses shall be 120 per cent of the median claimed 1997 average nursing cost and director of nurses cost per management minute, plus division-allowed inflation. For the calculation of the ten nursing per diem rates, the division shall use the industry median minutes plus 110 per cent for each category. Calculation of weighted nursing per diem rates for four nursing payment groups shall be according to 114.2 CMR 6.04(1)(a)3.

(c) Other operating costs shall be 120 per cent of the median claimed 1997 average other operating costs plus administrative and general costs, adjusted for division-allowed inflation.

(d) Allowable construction costs shall be limited to the maximum capital expenditure amounts as approved by the determination of need program of the department of public health.

SECTION 266. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance, in this section called the division, and the divi-

sion of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid to hospitals, determined by the division to be disproportionate share hospitals in accordance with Title XIX requirements, for free care costs of such hospitals. Such appropriate action may include, but shall not be limited to, the assessment on hospitals for their liability to the uncompensated care pool pursuant to chapter 118G of the General Laws. Such appropriate action shall include the establishment or renewal of an interagency agreement between the division and the division of health care finance and policy which may authorize the division to make deposits into and payments from an account established for the purposes of this section within the Uncompensated Care Trust Fund, established by section 18 of said chapter 118G, or authorize the division of health care finance and policy to transfer uncompensated care fee revenue collected from hospitals pursuant to said chapter 118G or funds otherwise made available to said trust fund by the general court, to the division for the purposes of making disproportionate share adjustment payments to hospitals qualifying for such payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of Title XIX of the federal Social Security Act. The division may expend amounts transferred to it from the Uncompensated Care Trust Fund by the division of health care finance and policy under such interagency agreement without further appropriation. In no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the uncompensated care pool as determined by the division of health care finance and policy pursuant to said section 18 of said chapter 118G. Any federal funds obtained as a result of actions pursuant to this section shall be deposited in the general fund. The offices of the state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures to facilitate the expeditious assessment, collection and expenditure of funds pursuant to this section.

SECTION 267. The medical assistance program established pursuant to chapter 118E of the General Laws shall reimburse health care providers for Title XVIII Part B services rendered to persons entitled to receive benefits under both Title XVIII and Title XIX of the Social Security Act at an amount equal to the difference between the payment allowance under said Title XVIII and the payment made under Title XVIII, in accordance with the Division of Medical Assistance's payment policy for Medicare Part B Crossover Claims in effect as of July 1, 1998. Nothing in this section shall be construed to require the Division of Medical Assistance to increase the Medicare Part B Crossover payment methodology in effect as of July 1, 1998 due to changes in federal law or regulation.

SECTION 268. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance and the department of public health shall deposit all monies collected as civil monetary penalties from nursing homes participating in the Medicaid program authorized by Title XIX of the Social Security Act into a retained revenue fund which shall be designated and known as the Commonwealth of Massachusetts CMP Fund. Monies collected as civil monetary penalties from nursing homes shall include both monies collected from Medicaid-only facilities, known as nursing facilities, and the commonwealth

portion of funds collected from dually participating facilities, known as skilled nursing facilities or nursing facilities, for noncompliance with sections 1919(b), 1919(c) and 1919(d) of the Social Security Act and monies collected from individuals pursuant to sections 1919(b)(3)(B)(ii)(I), 1919(b)(3)(B)(ii)(II) and 1919(g)(2)(A)(i) of the Social Security Act. The fund shall be maintained by the department of public health in a separate account and the monies therein shall not be commingled with monies in any other account or fund. The division shall transfer to the department for deposit by the department into the fund all monies held by the division arising from the collection of civil monetary penalties from nursing homes. The department may expend monies from this fund without further appropriation in accordance with the provisions of this section. The department shall administer the fund in accordance with law including, without limitation, section 1919(h)(2)(A)(ii) of the Social Security Act. The department shall expend monies in the fund for the protection of the health and property of nursing home residents in nursing home facilities found by the department or the secretary of health and human services to be deficient including, without limitation, the following: (i) nursing facility staff training and education; (ii) technical assistance for troubled facilities; (iii) dissemination of best practice models for quality of care issues, such as malnutrition and dehydration; (iv) state operation of facilities pending correction of deficiencies or closure; (v) reimbursement of facility residents for lost personal funds or property; and (vi) costs of relocating residents from one facility to another.

SECTION 269. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance is hereby authorized and directed to seek \$10,000,000 in federal financial participation for \$20,000,000 in retroactively incurred health expenditures on psychiatric and other health services provided to incarcerated individuals in correctional facilities operated by the department of correction. Upon receipt of said federal financial participation said division may transfer \$5,000,000 from the medical assistance intergovernmental transfer account within the uncompensated care trust fund to the university of Massachusetts medical school. Said transfer shall be made in accordance with the terms of an interagency agreement between said department, said medical school and said division.

Said interagency agreement shall provide for said medical school to arrange for the delivery of psychiatric and other health services to persons incarcerated in correctional facilities operated by said department. Upon receipt of said federal financial participation, the comptroller shall credit \$5,000,000 to the General Fund and \$5,000,000 to the intergovernmental transfer account for purposes of financing the fiscal year 2000 transfer authorized herein.

SECTION 270. Notwithstanding the provisions of any general or special law to the contrary, the department of mental health, the department of public health, the division of medical assistance and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid for low-income care costs at those mental health and public health facilities

determined to be disproportionate share hospitals in accordance with requirements of Title XIX of the Social Security Act. Such appropriate action may include, but shall not be limited to, the establishment of a separate account within the Uncompensated Care Trust Fund, established by section 18 of chapter 118G of the General Laws, for the purpose of making disproportionate share adjustment payments to such qualifying mental health and public health facilities pursuant to relevant division of health care finance and policy regulations and the related Title XIX state plan amendment submitted by the division of medical assistance to the Health Care Financing Administration. The division of medical assistance, the department of public health, and the department of mental health may expend amounts transferred to it from such separate account within the Uncompensated Care Trust Fund without further appropriation. Any federal funds obtained as a result of actions taken pursuant to this section shall be deposited in the general fund. The state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures for the proper accounting and expenditure of funds pursuant to this section.

SECTION 271. Notwithstanding any other general or special law to the contrary, the secretary of administration and finance, in consultation with the secretary of the executive office of elder affairs, the commissioner of the division of medical assistance, the commissioner of the department of public health and the executive director of the group insurance commission, shall, within 60 days of the passage of this act, develop a program to aggregate the purchase of prescription drugs for the following individuals who are residents of the commonwealth: (i) participants in the Senior Pharmacy program, so-called, pursuant to section 16B of chapter 118E of the General Laws, (ii) enrollees in the Group Insurance program pursuant to chapter 32A of the General Laws, (iii) enrollees in the Medicaid program, pursuant to chapter 118E of the General Laws, (iv) any other individuals on whose behalf the state subsidizes, in whole or in part, the purchase of prescription drug benefits, and (v) uninsured or underinsured individuals, hereinafter, the "Coverage Group". In order to ensure the timely performance of his obligations under this act, the secretary of administration and finance may enter into an agreement with a not-for-profit entity for the purpose of developing and managing said program.

As part of said program, the secretary of administration and finance or his designee, shall prepare a request for proposals for the purpose of selecting one or more entities to provide prescription drug benefit management services to members of the Coverage Group. The selection process shall include criteria designed to select that entity best able to provide a prescription drug benefit program for the Coverage Group in a way that maximizes savings for the commonwealth and participants without reducing the quality of prescription drug benefits, if any, now being provided to the Coverage Group.

Prior to finally accepting a proposal to provide said prescription drug benefit management services, the secretary, in conjunction with the house and senate chairs of the joint committee on health care, the chair of the senate committee on ways and means and the chair of the house committee on ways and means, shall conduct a public hearing to consider

testimony on the public benefits of all proposals submitted. The secretary and said chairs shall take oral and written testimony at the hearing. After the hearing, the secretary shall solicit from said chairs their input regarding the selection of one of the proposals. The secretary shall select a proposal, if any, only after making a determination in writing that it maximizes savings to the commonwealth, or provides other substantial public benefits, in a way that does not reduce the quality of existing prescription drug services for the Coverage Group. At least 30 days before the secretary's selection becomes final, he shall submit a report containing his selection, along with the basis therefor, to the house and senate chairs of the joint committee on health care, the chair of the senate committee on ways and means and the chair of the house committee on ways and means.

The accepted proposal shall not terminate any contract currently in existence with any agency or program affected hereunder which cannot be favorably renegotiated.

SECTION 272. The public employee retirement administration commission shall conduct or contract for an actuarial valuation report regarding the provision of alternative retirement benefits to public higher education employees. Said commission shall submit to the house and senate committees on ways and means and the joint committee on public service in advance of said report the proposed benefits to be evaluated in addition to the actuarial, economic, and demographic assumptions upon which said actuarial valuation report will be based. Said report shall be submitted to the house and senate committees on ways and means and the joint committee on public service on or before February 15, 2000.

SECTION 273. No employee shall be retired under the alternative retirement benefit program established under section 104 of chapter 32 of the General Laws before July 1, 2000.

SECTION 274. A license as a dietitian/nutritionist may be issued without examination to an applicant who meets the requirements of section 198 of chapter 112 of the General Laws and provides to the board's satisfaction that he is and actually has been in the paid professional practice for five years out of the last ten years in the field of dietetics and nutrition, preceding the effective date of this act. The board in its discretion may waive the education requirements for an applicant if it determines that an applicant's combined professional and education credentials meet the intent of this act.

The provisions of this section shall expire one year following the effective date of this act.

SECTION 275. The district attorneys in the Suffolk, Middlesex, Essex, Worcester, Hampden, Hampshire/Franklin, Norfolk, Plymouth, Bristol, Cape and Islands, and Berkshire counties are hereby authorized and directed to continue the operation of the community based juvenile justice program in order to coordinate efforts of the criminal justice system in addressing juvenile violence through cooperation with the schools and local law enforcement representatives, probation and court representatives, and where appropriate the department of social services, department of youth services, and department of mental health. The district attorney's community based juvenile justice program shall identify cases in which the juvenile offender is among those most likely to pose a threat to their community. The

program shall treat the identified cases as priority prosecution cases and impose individualized sanctions designed to deter the offender from further criminal or delinquent conduct. The office of the district attorney shall work with the schools and community representatives on development of violence prevention and intervention programs, identification, protocol, and curricula.

The office of the district attorney shall continue to conduct weekly working sessions focusing on specific events and particular individuals whose conduct poses a threat to schools, neighborhoods and communities. The office shall be responsible for creating, managing and updating a priority prosecution list of individuals identified as the community's most serious violent youths and repeat offenders and shall update said list as events may happen and the individual is moved through the criminal justice system. The office of the district attorney shall assign prosecutors to the community based juvenile justice program who will treat the identified cases as their priority cases and shall work with the school, courts and other agencies to deter violent, criminal or delinquent conduct. The office of the district attorney shall further be responsible for managing the lists, compiling and publishing statistics, coordinating meetings with the assistant district attorneys assigned to the program and local law enforcement agencies, schools, probation and court representatives, and where appropriate the department of social services, department of youth services, and department of mental health.

The district attorneys operating said program shall continue to participate in the community based juvenile justice program task force for the purpose of sharing information on the practices and developments of violence prevention and prosecution in their particular program and said task force shall submit a report on each program, including statistics and findings, to the house and senate committees on ways and means by February 1, 2000.

SECTION 276. Notwithstanding the provisions of any general or special law to the contrary, the criminal justice training council shall charge \$1,800 per recruit for training programs operated by said council for all persons who begin training on or after July 1, 1999. For recruits of municipalities, the state comptroller shall transfer \$1,800 multiplied by the number of such recruits from each municipality from the local aid payments of the municipality in which such recruits shall serve to the Local Aid Fund. The council shall transmit the required information to the comptroller and the comptroller shall make such transfers in the fiscal quarter immediately following the completion of training.

The comptroller shall certify all such transfers to the house and senate committees on ways and means not later than 30 days after completion of such transfer. Upon completion of training, the training fee of \$1,800 shall be deducted from a recruit's wages in 18 equal monthly installments, unless otherwise negotiated between such recruit and the municipality in which such recruit shall serve. All funds collected from persons other than recruits of municipalities shall be deposited in the general fund.

SECTION 277. The Plymouth county correctional facility may, with the approval of the sheriff of the county, be used as a regional lockup facility within the county. The facility may, with the approval of the sheriff and at the discretion of the individual chiefs of

police within the county, be used for the detention of persons detained or committed by the courts or any person arrested under civil process. The Plymouth county correctional facility, when used as a lockup facility, shall have the same functions and powers as a lockup established under the provisions of section 34 of chapter 40 of the General Laws. The costs of maintaining said regional lock-up facility shall not be borne by the commonwealth and shall not be included in the maintenance of effort expended by the county for the facility.

SECTION 278. Any taxpayer who filed his income tax return for the 1996 taxable year and calculated the tax due thereon in accordance with the provisions of chapter 62 of the General Laws, shall be entitled to obtain by way of a refund or an abatement, or shall be allowed as a credit against his 1997 income tax, the amount of the difference between the tax so calculated and the amount of tax which would have been due if the tax were calculated under the provisions of this act. Any such credit shall be taken after the application of any other credits provided by said chapter 62. Any excess credit may be carried forward to the succeeding taxable year. The commissioner of revenue shall prescribe and furnish all forms necessary and proper for the enforcement of this section.

SECTION 279. Any taxpayer who filed his income tax return for the 1997 taxable year and calculated the tax due thereon in accordance with the provisions of chapter 62 of the General Laws as amended by chapter 195 of the acts of 1994, shall be entitled to obtain by way of a refund or an abatement, or shall be allowed as a credit against his 1998 income tax, the amount of the difference between the tax so calculated and the amount of tax which would have been due if the tax were calculated under the provisions of this act. Any such credit shall be taken after the application of any other credits provided by chapter 62. Any excess credit may be carried forward to the succeeding taxable year or, in the case of a nonresident taxpayer, may be refunded. The commissioner of revenue shall prescribe and furnish all forms necessary and proper for the enforcement of this section.

SECTION 280. Any taxpayer who filed his income tax return for the 1998 taxable year and calculated the tax due thereon in accordance with the provisions of chapter 62 of the General Laws as amended by chapter 195 of the acts of 1994, shall be entitled to obtain by way of a refund or an abatement, or shall be allowed as a credit against his 1999 income tax, the amount of the difference between the tax so calculated and the amount of tax which would have been due if the tax were calculated under the provisions of this act. Any such credit shall be taken after the application of any other credits provided by said chapter 62. Any excess credit may be carried forward to the succeeding taxable year or, in the case of a nonresident taxpayer, may be refunded. The commissioner of revenue shall prescribe and furnish all forms necessary and proper for the enforcement of this section.

SECTION 281. Notwithstanding the provisions of any general or special law to the contrary, the department of revenue, in consultation with the joint committee on taxation, shall promulgate regulations that provide for a single annual interest rate, for the purpose of a taxpayer's computation of interest subsidy, to be used in the calculation of the Title V tax credit, so-called. The regulations shall be completed by December 31, 1999.

SECTION 282. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer, without further appropriation, \$91,874,223 from the Transitional Aid to Needy Families Fund established pursuant to section 2KK of chapter 29 of the General Laws to the Child Care Fund established pursuant to section 2LL of chapter 29 of the General Laws not later than June 30, 2000.

SECTION 283. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer, without further appropriation, \$45,937,112 from the Transitional Aid to Needy Families Fund to the Social Services Program Fund or to said Social Services Program Fund established pursuant to section 2MM of chapter 29 of the General Laws via the Child Care Fund, not later than June 30, 2000.

SECTION 284. The department of transitional assistance is hereby authorized and directed to develop a plan for a uniform class rate system for congregate and scattered-site shelter beds and services provided by the department through contracted vendors funded in items 4403-2120, and 4406-3000 of section 2 of this act.

Said department shall propose standardized rates for each service provided, including, but not limited to, rates for the provision of shelter beds, food, clothing, substance abuse counseling, job training services, job search assistance, case management services, educational services and tracking costs. Said rate adjustments shall not affect current rates for: (i) substance abuse family shelters; (ii) health care services operated by health care for the homeless; (iii) day programs operated by St. Francis house, project place, federated Dorchester, Hyannis salvation army, and open pantry; and (iv) the homeless intercept program operated by the department of housing and community development.

Said department shall submit fiscal year 2001 budget recommendations for said items in two forms, one that shall reflect said proposed rates and one that shall reflect the current system of reimbursement, to the house and senate committees on ways on or before February 1, 2000.

SECTION 285. The commissioner of the department of transitional assistance shall make a formal inquiry of the secretary of the United States department of health and human services with respect to whether the commonwealth may substitute education and training for any or all of the work requirements established pursuant to chapter 5 of the acts of 1995 and the personal responsibility and work opportunity reconciliation act of 1996. Said commissioner shall make such inquiry within ten business days of the passage of this act in order to determine:

(i) whether the chapter 5 waiver, so-called, would need to be amended in order to allow training and education to be substituted for up to ten hours of the 20 hour work requirement allowed by the terms of said waiver without risk of penalties, sanctions or other costs might be incurred if such substitution were implemented;

(ii) how a policy of substituting education and training for said work requirement would affect the ability of the commonwealth to comply, in federal fiscal years 2000 and 2001, with the federally mandated TANF work participation rates, so-called, of 40 per cent and 45 per cent for all families and 90 per cent for two parent families; and

(iii) the types or categories of training and education activities that would qualify

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under the terms of said waiver for such substitution under the federal regulations adopted April 12, 1999.

In any discussion or correspondence with the federal government regarding the provisions of this paragraph, said department shall include the fact that the Massachusetts waivers, as continually applied since its approval, includes education, training and community service as work-related activities for the purpose of determining the work participation rate.

SECTION 286. As a condition of the continued receipt of funding under items 4401-1000 and 4401-1001 of section 2 of this act, the 16 service delivery area administrative entities established pursuant to the federal Workforce Investment Act of 1998, 29 U.S.C. section 1511, shall submit quarterly reports, in coordination with the corporation for business, work and learning, to the department of transitional assistance on the expenditure of funds from the federal welfare-to-work grant, so-called, in each such service delivery area in order to monitor job training services for current and former recipients of the transitional aid to families with dependent children program. The reports shall include, but not be limited to: (a) the number of individuals served who have exhausted benefits under said program of transitional aid; (b) the number of such individuals served who are non-custodial parents of children who are recipients of benefits under said program; and (c) the cost of service per recipient. The report shall include the name and social security number or other unique identifier for each recipient receiving services under said grant. The report shall detail the type of services provided to each such recipient, including, but not limited to, training, mentoring, counseling, substance abuse treatment services and transportation services. The department of transitional assistance shall review said report to ensure that no duplication of service exists between items 4400-1000 and 4401-1001 of section 2 of this act and said grant.

SECTION 287. The siting of a trash transfer station in the city of Revere shall be prohibited if such proposed site is within 1,000 feet of a school, park, playground, drinking water supply, nursing home or elderly housing complex unless approval is granted by the city council and the mayor of that city.

SECTION 288. As of July 1, 2000, total assessments on account of the Massachusetts Bay Transportation Authority's net cost of service shall be frozen at the fiscal year 2000 level for cities and towns of the authority. Beginning in fiscal year 2002, and each fiscal year thereafter, each city and town of the authority assessed in fiscal year 2000 shall have its assessment reduced by one-fifth of the difference between its fiscal year 2000 assessment level and the level as calculated according to section 9 of chapter 161A of the General Laws, as amended by this act, until the city or town's assessment reaches the level determined by said section 9. Notwithstanding the provisions of any general or special law to the contrary, as of July 1, 2001, the commonwealth shall begin assessing those cities and towns of the authority not assessed in fiscal year 2000 at one-fifth of the level determined by said section 9 of chapter 161A. Each fiscal year thereafter, the assessment level of each such city and town shall be increased by an equal amount until it reaches the assessment level determined by said section 9. Except as otherwise specifically provided in this section, the

provisions of said section 9 shall apply to all amounts assessed pursuant to this section.

SECTION 289. Notwithstanding the provisions of any general or special law to the contrary, the terms of the members of the board of directors of the Massachusetts Bay Transportation Authority shall expire on June 30, 2000. The governor shall appoint a new board effective July 1, 2000 to serve initial terms as follows: (i) the appointees experienced in transportation, environmental protection, administration and finance and the member of a national or international labor organization shall serve a term of two years; and (ii) the appointee experienced in consumer protection, the appointees selected from lists provided by the mayor of Boston, the chief executive officers of the 14 cities and towns excluding Boston and the metropolitan area planning council on behalf of the 51 cities and towns and other served communities shall serve a term of one year. Upon the expiration of said initial terms, each member shall serve a term of two years. The governor may reappoint members to said board whose term expired on July 30, 2000 to serve on the board effective July 1, 2000, provided that said members shall meet the criteria established in section 7 of chapter 161A of the General Laws.

SECTION 290. To meet the expenditures necessary in carrying out the provisions of sections 2E and 296, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of \$800,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, MBTA Financing Act of 1999, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2029. Bonds issued pursuant to this section shall not be included in the computation of outstanding bonds for the purposes of the limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with respect to such bonds be included in any computation of the limit imposed by section 60B of said chapter 29. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund and shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

Bonds issued pursuant to this section shall only be issued in an amount that the treasurer, in consultation with the comptroller and the secretary of administration and finance, determine to be in the best financial interest of the commonwealth.

Any bond issued for the purposes of said section 128 shall not exceed at the time of issuance the amount needed to amortize the then remaining liability of the commonwealth to the Highway Capital Projects Fund resulting from the transfer required by section 128 and as reflected on the amortization schedule then in effect as required by section 132; provided, that said sum of \$800,000,000 and the authorization to borrow up to said amount shall be correspondingly reduced by the amount of any amortization payments previously made to said Highway Capital Projects Fund at the time of said issuance and as reflected on said amortization schedule.

SECTION 291. For the purpose of establishing the commonwealth's share of

financing the Massachusetts Bay Transportation Authority on a contemporaneous basis, the treasurer, in consultation with the secretary of administration and finance, the comptroller, and the general manager of said authority shall take all steps necessary to retire, defease or otherwise repay the temporary notes of said authority used to finance the commonwealth's obligations to said authority commencing with the notes due in February 2000 and concluding with the notes due in September 2000. The treasurer shall use the bond authorization in section 2E or such other financing mechanism that is consistent with said purpose to commence said repayment, after which said authority's ability to issue notes shall be limited in accordance with the provisions of section 12 of chapter 161A of the General Laws, for the remainder of fiscal year 2000.

SECTION 292. During fiscal year 2000, the expenditures of the Massachusetts Bay Transportation Authority shall not exceed the fiscal year 2000 budget approved by the authority's advisory board.

SECTION 293. During fiscal year 2000, the Massachusetts Bay Transportation Authority shall not issue more than \$400,000,000 in long term debt backed by the full faith and credit of the commonwealth.

SECTION 294. During fiscal year 2000, the Massachusetts Bay Transportation Authority shall not incur capital expenditures in an amount that would cause the total capital expenditures incurred by said authority during fiscal years 1996 to 2000, inclusive, and financed by debt supported by commonwealth debt service contract assistance to exceed \$1,500,000,000.

SECTION 295. Notwithstanding the provisions of any general or special law to the contrary, including without limitation section 28 of chapter 161A of the General Laws, as in effect prior to the passage of this act, section 24 of chapter 273 of the acts of 1994, and section 20 of chapter 205 of the acts of 1996, the commonwealth shall not be liable to pay contract assistance to the Massachusetts Bay Transportation Authority in respect of bonds issued by said authority on or after July 1, 2000, unless specifically authorized by legislation. The secretary of administration and finance, on behalf of the commonwealth, and said authority are hereby authorized and directed to amend any prior agreements entered into between the commonwealth and said authority to reflect the provisions of this section.

SECTION 296. To establish the commonwealth's share of Massachusetts Bay Transportation Authority financing on a contemporaneous basis, and to remedy cash deficiencies incurred by the commonwealth from said authority's reliance on treasurer cash advances pursuant to section 13 of chapter 161A of the General Laws, the comptroller is hereby authorized and directed to transfer as of June 30, 2000, from the Highway Capital Projects Fund to the General Fund an amount equivalent to the total outstanding amount so advanced by the treasurer to the authority on behalf of the commonwealth and the cities and towns as certified by said comptroller.

SECTION 297. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by section 2E, and may issue and renew from time to time notes of the

commonwealth therefor bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 298. To the extent that the commonwealth experiences a cash deficiency due to the transfer required by section 296, the state treasurer may borrow from time to time on the credit of the commonwealth, in an amount not to exceed in the aggregate the unamortized liability owed by the commonwealth to the Highway Capital Projects Fund as a result of the transfer required by section 296, such sums as may be necessary to ensure sufficient cash for operations of the commonwealth, and may issue and renew from time to time notes of the commonwealth therefor bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 299. The comptroller is hereby authorized and directed to establish not later than March 1, 2000, a 20 year level-funded schedule of payments that shall be projected to fully amortize by July 1, 2020, the liability in the Highway Capital Projects Fund created by the transfer to the General Fund required by section 296. The comptroller shall file an updated amortization schedule based on the amount actually transferred not later than July 31, 2000.

SECTION 300. Notwithstanding the provisions of any general or special law to the contrary, the bandstand located on the Revere Beach Boulevard in the city of Revere shall be designated and known as the Representative William G. Reinstein Bandstand, in memory of state representative and former Revere mayor William G. Reinstein. A suitable marker bearing such designation shall be attached thereto by the metropolitan district commission.

SECTION 301. Notwithstanding the provision of any general or special law to the contrary, the metropolitan district commission is hereby authorized to enter into negotiations with the city of Cambridge relative to entering into an agreement to carry out capital improvements to the playing fields within the area known as Magazine Beach in said city, pursuant to the provisions of the Charles River Basin Master Plan, and to provide for maintenance and co-scheduling of the use of such fields. The commissioner of the metropolitan district commission or his designee, the city manager or his designee and the mayor or his designee of said city may, at their discretion, take such steps as are necessary to implement the provisions of this section within six months of the effective date of this act.

SECTION 302. The Massachusetts Bay Transit Authority in conjunction with the city of Attleboro shall conduct a study of the improvement of access to parking at said authority's facilities in the city of Attleboro. Said study shall include a review of the feasibility of allowing the city of Attleboro to impose an additional surcharge on all motor vehicles using MBTA parking facilities registered to nonresidents of said city. Said study shall include the projected cost to the MBTA of implementing and administering such a program, as well as a review of the likely effects that such a program would have on commuter rail ridership both of residents of said city and nonresidents of said city and the effects on the revenues of said authority.

SECTION 303. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts highway department shall issue within 90 days of the effective date of this act a design waiver for the Beacon Street corridor improvements in the town of Brookline.

SECTION 304. The Massachusetts Turnpike Authority, in conjunction with the Massachusetts Port Authority and the registrar of motor vehicles shall conduct a study of the use of a video enforcement system for all facilities equipped with an electronic toll collection system, and the imposition of penalties for violations thereof. The study shall include, but not be limited to, an investigation, examination and recommendations for the following: (1) the appropriate manner and method for reporting to the registrar of motor vehicles violators who fail to pay or to appear after being issued notice of the violation; (2) penalties to be assessed for such failure to pay or appear after notice of a violation, including, but not limited to, suspension of a violator's license to operate a motor vehicle, or prohibiting the renewal of such license or the registration of any vehicles owned by the violator; (3) the feasibility of imposing similar penalties on residents of other states who commit such violations; (4) the appropriate manner, form and content of any notices violators will receive from said turnpike authority, said port authority, or the registrar of motor vehicles; and (5) the feasibility of requiring the Massachusetts turnpike authority and the Massachusetts Port Authority to maintain the confidentiality of all information, including but not limited to photographs and credit and account data, related to account holders who participate in the authorities' electronic toll collection system. Said turnpike authority shall report its findings and recommendations, including any draft legislation necessary to carry out such recommendations, to the clerk of the house and senate and the house and senate committee on ways and means not later than February 1, 2000.

SECTION 305. The department of highways shall conduct an investigation of the increased usage of the High Occupancy Vehicle Lane on Route 93 North and Route 93 South after six months of permitting use of such lane at any time by any vehicle which has two or more occupants. The department shall report the results of its investigation by filing a report with the committee on transportation on or before December 31, 1999.

SECTION 306. The New Chardon street courthouse in the city of Boston shall be designated and known as the Edward W. Brooke Courthouse.

SECTION 307. The department of transitional assistance is hereby authorized and directed to develop a system for tracking and reporting on persons and families using homeless shelters. Said system shall collect basic information on such homeless persons and families, including, but not limited to, age, race, ethnicity, gender and other demographic information, disability status, housing and work history, income, educational attainment, medical and mental health history, domestic violence history, and substance abuse history. The system shall track shelter utilization patterns of such persons and families across state agencies, including, but not limited to, the utilization of services provided by the departments of housing and community development, mental health, mental retardation, corrections, veterans services, youth services, social services, public health, and the division of medical assistance.

The system shall determine the following for homeless individuals and homeless families: the average turnover rate per bed for each category of shelter provider, including, but not limited to, congregate, scattered site, transitional, and other such categories of housing for homeless persons and families; the total unduplicated number of shelter recipients served per year; the number that are ex-offenders; the number that are juvenile offenders or youths remanded to the custody of the department of youth services; the number with substance abuse histories; the number with mental health histories; the number that are classified as dual diagnosis, so-called; the number that are elderly; the number that have been in shelter for less than six months; the number that have been in shelter for more than six months but less than one year; the number that have been in shelter for more than one year but less than three years; and the number that have been in shelter for more than three years.

Said department shall consult with the executive office of health and human services and the ANCHoR program, so-called, at the McCormack institute of public affairs at the university of Massachusetts Boston to develop said system. Any vendor selected by said department for the technical assistance, design, or design and management of said system shall be procured pursuant to the provisions of chapter 30B of the General Laws. The commonwealth shall make use of the results of said tracking system to coordinate the provision of services to homeless persons and families and to make targeted interventions to reduce the incidence of homelessness in the commonwealth. Said department shall report quarterly to the house and senate committees on ways and means on the time-line for the implementation of said tracking and reporting system.

SECTION 308. Notwithstanding the provisions of any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-0099, 7004-9005, 7004-9011, 7004-9013, 7004-9014, 7004-9019, 7004-9020 and 7004-9024 of section 2; provided, however, that as a condition of eligibility or continued occupancy by an applicant or a tenant, said department may require disclosure of the social security number of an applicant or tenant and members of such applicant's or tenant's household for use in verification of income eligibility. Said department is hereby authorized

to deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility. Said department may also consult with the department of revenue, the department of transitional assistance, and any other state or federal agency which it deems necessary to conduct such income verification; provided, however, that notwithstanding the provisions of any general or special law to the contrary, such state agencies shall consult and cooperate with said department and furnish any information in the possession of said agencies including, but not limited to, tax returns and applications for public assistance or financial aid. For the purposes of conducting such income verification, the director of housing and community development may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in such federally assisted housing programs and that of members of the participants' households.

SECTION 309. Notwithstanding any general or special law to the contrary, hearing officers or referees of the department of transitional assistance shall apply the same standard of review for all administrative appeals concerning benefits or waivers under chapter 5 of the acts of 1995. The department shall file a report detailing its compliance with the provisions of this section, including the effect of this section on agency decisions, with the joint committee on human services and the house and senate committees on ways and means on or before January 1, 2000.

SECTION 310. The division of capital asset management and maintenance, the department of youth services, the University of Massachusetts Medical School and University of Massachusetts Memorial Health Care, Inc. shall on or before December 15, 1999 develop a plan for the relocation of the department of youth services facility located at Belmont street in the city of Worcester no later than June 30, 2002. The plan shall include provisions for selecting a site for the relocation of the facility and for future use of the Belmont street location. Any expansion of said facility prior to June 30, 2002, shall be temporary and of a type of construction which may be disassembled, reconfigured and relocated at another site.

SECTION 311. The Massachusetts Water Resources Authority and the watershed management division of the metropolitan district commission are hereby authorized and directed to erect on the sites of the former villages on White Valley in Barre, Coldbrook Springs in the town of Oakham, and West Rutland in the town of Rutland suitable permanent markers with wording to indicate the names of the respective villages and the cause of their removal.

Said markers shall be installed within two years of the effective date of this act, and shall be dedicated in a formal, public ceremony.

Each of said markers shall be located within 100 feet of the edge of the paved surface of Route 122, and shall be visible to travelers on said route.

SECTION 312. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance shall continue throughout fiscal year 2000, the

pilot program to assess the clinical, programmatic and fiscal impact of extending nursing facility bed-holds, so-called, from 10 to 20 days for medical leaves of absence for persons receiving benefits under chapter 118E of the General Laws, established in section 284 of chapter 194 of the acts of 1998. Under the pilot project, the division shall pay to reserve a bed for a medical leave of absence from a nursing facility for a person who is admitted on an inpatient basis to a hospital, as defined in the division's regulations, for up to 20 consecutive days. Reimbursement to nursing facilities for the eleventh through the twentieth bed-hold day, inclusive, shall be paid at the lowest rate established by the division of health care finance and policy for the nursing facility in which the person resides for the rate year in which the medical leave of absence occurs. For the purposes of this section, a medical leave of absence shall be defined as an inpatient hospital admission which meets all criteria for medicare hospital level of care pursuant to the provisions of title XVIII of the federal Social Security Act, as determined by the federal health care financing administration or its agent.

On or before March 1, 2000, the division of medical assistance shall submit a cost-benefit analysis of the pilot project to the house and senate committees on ways and means and the executive office of administration and finance. The cost-benefit analysis shall include, but shall not be limited to: (i) an analysis of the fiscal impact of said pilot project on medicaid expenditures, nursing facility costs and expenditures, and nursing facility residents benefiting from said pilot project; (ii) an analysis of the clinical impacts, if any, that accrued from said pilot project to said residents; and (iii) an analysis of any effect on hospital utilization or physician-ordering patterns resulting from said pilot project. The analysis shall be accompanied by the supporting cost and utilization data on which they were based.

Nothing in this section shall establish an obligation of the commonwealth or the division of medical assistance to offer extended bed-hold days under the pilot program for any medical leave of absence that does not meet the criteria or determinations for medical necessity.

The criteria and standards in effect for bedholds for non-medical leaves of absence shall remain the same as those in effect in fiscal year 1998 for the duration of the pilot program established herein.

SECTION 313. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance, in consultation with the department of public health, the executive office of elder affairs and the division of health care finance and policy, shall develop and implement a temporary program to provide catastrophic pharmacy assistance to seniors in the commonwealth to assist in the purchase of covered benefits. For the purpose of this section, "covered benefits" shall have the same meaning as that term is defined in paragraph 2 of section 16B of chapter 118E of the General Laws. The program shall be available to those residents of the commonwealth (a) who (i) are 65 years or older, or (ii) are disabled, pursuant to section 16B of chapter 118E of the General Laws, (b) whose income is no more than 500 per cent of the federal poverty level, and (c) who, in at least 3 of the 6 months prior to application, have spent at least 10 per cent of gross monthly income

on prescription drugs, including any amounts subsidized pursuant to said section 16B of chapter 118E of the General Laws or any amounts expended on the applicant's behalf for prescription drugs under a Medicare health maintenance organization plan and (d) whose continuing prescription drug costs exceed 5 per cent of gross quarterly income for the duration of eligibility under this program. Priority shall be given, first, to those applicants with the greatest financial need, as determined by a review of the applicant's household assets, disposable household income and financial liabilities; and second to those applicants who received unlimited drug coverage on December 31, 1998 through a medicare health maintenance organization agreement which has been discontinued. Applicants shall be required to exhaust any other pharmacy benefits or coverage, including benefits under said section 16B of chapter 118E. There shall be no monetary limit on benefits. The division of medical assistance shall immediately enter into a contract with a public or private organization with expertise in marketing and outreach for the purpose of conducting outreach and publicity efforts to promote the program. Said contracting party shall work in conjunction with advocacy organizations for the elderly and the disabled, including but not limited to Health Care for All, the Massachusetts Senior Action Council, the American Association of Retired Persons and the Disability Law Center for the purpose of exploring creative and innovative ways to perform immediate outreach and marketing of this program. The division may expend not more than \$200,000 for such contract from item 4000-1450 in section 2 of this act. The division shall file a report detailing such outreach and publicity efforts and the results of such efforts upon enrollment in the program with the house and senate committees on ways and means on or before 60 days after the passage of this act, and thereafter file quarterly reports until the program is no longer in effect. The division of medical assistance shall close enrollment in said program or take other necessary steps if the commissioner of said division determines that benefits are projected to exceed the amounts appropriated for the program. The program shall be in effect from January 1, 2000 until December 31, 2000.

SECTION 314. Any amounts allocated under this act for the operation of redemption centers in line item 2010-0100 shall be apportioned to redemption centers based on the volume of redeemables per redemption center.

Only redemption centers registered with the executive office of environmental affairs as of April 1, 1999 are eligible for such apportionment as allocated in this act.

Any and all amounts allocated shall go directly to redemption centers and shall not be used for administration or for any other purposes.

SECTION 315. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of veterans' services may establish a training program for veterans agents and directors of veterans' services in cities and towns of the commonwealth. The purpose of the training program shall be to maximize federal assistance available for veterans and to assure that agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement

and other veterans' benefits. The subject matter of a training program shall include benefits available under chapter 115 of the General Laws and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income and Social Security Disability benefits, as well as federal pension and compensation entitlements. The commissioner is hereby authorized and directed to promulgate regulations for said training program. Upon successful participation by veterans' agent or director of veterans' services in the training program, the costs of the training program incurred by the several cities and towns shall be paid by the commonwealth on or before November 10 in the year after the expenditures.

SECTION 316. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of capital asset management and maintenance may employ designers who prepare studies or programs or other design services for the renovation and reconstruction of the Steriti Rink in the city of Boston to prepare plans and specifications and provide any other design services deemed necessary by the commissioner for such project. The commissioner shall obtain an independent comprehensive value engineering review of the completed study or program to identify proposed functions of the facility, evaluate the construction cost estimates, calculate estimated life-cycle cost and develop recommended design changes that will produce a more cost-effective facility by modifying or eliminating features that add cost but do not add to the quality, useful life, utility or the appearance of the facility. The commissioner shall obtain an independent comprehensive value engineering review of the completed, schematic design documents to identify proposed functions of the facility, evaluate the construction cost estimates, calculate estimated life-cycle costs and develop recommended design changes that will produce a more cost-effective facility by modifying or eliminating features that add cost but do not add to the quality, useful life, utility or appearance of the facility prior to the acceptance by the commissioner. The commissioner shall document the reasons for accepting, modifying or rejecting all value engineering recommendations.

SECTION 317. In fiscal year 2000, the office of facilities management of the division of capital asset management, as established pursuant to sections 43A to 43E, inclusive, of chapter 7 of the General Laws, shall take all steps necessary to implement and effect the responsibilities outlined in clause (d) of section 39B of said chapter 7. To accomplish such purposes, said office shall in fiscal year 2000:

(1) commence an engineering survey of the capital assets of the commonwealth that shall inventory the physical condition of such assets and project the ongoing costs and schedules for maintaining such assets in subsequent years; provided, the division shall enter into a contract with an engineering firm to complete said survey within 18 months of the effective date of this act and shall report the timeline for the completion of said survey to the house and senate committees on ways and means, the secretary of administration and finance and the state budget director not later the January 1, 1999;

(2) establish a comprehensive capital assets maintenance system to be known as CCAMS that shall consist of an electronic database to organize and manage the information

compiled by said survey which shall allow for the regular updating of such information; provided that said database shall be purchased within 90 days of the effective date of this act;

(3) develop, promulgate, and implement criteria for scheduled maintenance that considers, but is not limited to, maintaining the safety of the public and of the commonwealth's employees in public buildings, their functionality of facilities, expected durability, and the cost-benefits relationship for replacement versus repairs;

(4) establish in collaboration with each agency of the commonwealth the scheduled maintenance requirements for assets under the care and custody of each such agency and develop a reporting and auditing mechanism that ensures compliance with such requirements;

(5) develop training programs and ancillary support to ensure that agencies have the capability to meet the performance and budgeting standards established by CCAMS;

(6) develop a methodology for use by agencies in developing annual capital maintenance expenditure requirements for incorporation in the general appropriations act for each fiscal year; provided, that said office shall consult with the fiscal affairs division and the house and senate committees on ways and means on criteria to be incorporated in said methodology;

(7) prepare estimates of expected agency maintenance needs for fiscal year 2001;

(8) develop recommended penalties or other sanctions for agencies that are non-compliant with CCAMS' schedules, which may include, receivership or loss of custody over assets under an agency's;

Said office shall carry out such functions as the commissioner of the division of capital assets management may from time to time deem necessary for the efficient and economical administration of capital asset maintenance within the executive departments including, but not limited to, setting routine maintenance schedules, reviewing and approving secretariat and department capital assets strategic plans, reviewing and approving the planning, design, acquisition and operation of capital assets and assessing all agencies' performances in capital asset maintenance and operations. Said office shall perform all other tasks as required to assure the continued and timely maintenance of said assets of the commonwealth and to facilitate the inclusion of capital assets maintenance costs into said agencies' annual operating budgets.

The commissioner may appoint not more than five additional full-time equivalent employees to said bureau, of which no less than three employees must have experience in the field of engineering as it relates to the scheduled maintenance of capital assets. The funds specified for the comprehensive capital assets management system appropriated pursuant to item 1102-1992 of section 2A of chapter 55 of the acts of 1999 shall be deemed sufficient to cover personnel and system-related costs the purposes of this section.

SECTION 318. The metropolitan district commission shall install and maintain a memorial at the Pleasure Bay Lagoon in the South Boston section of the city of Boston, in honor and in memory of former Senate President John E. Powers, a life-long resident of South Boston. Said memorial shall be located near the walkway surrounding the lagoon and

shall consist of a granite monument surrounded by a wrought iron fence, with a plaque on said monument designating the lagoon as the "John E. Powers Lagoon" and commemorating John E. Powers' many contributions to the South Boston community, specifically the creation of the lagoon. The memorial shall be established with input from the South Boston community and The Castle Island Association.

SECTION 319. The department of education shall promulgate regulations and guidelines clarifying certification standards for school nurses employed by school committees, municipalities, the department of health or any other employer, and the department shall notify all such school nurses of such regulations and guidelines, on or before March 1, 2000. The department shall file a report detailing its compliance with this section with the joint committee on education and the house and senate committees on ways and means on or before March 1, 2000.

SECTION 320. The commissioner of the division of medical assistance shall prepare a report detailing any and all options available to said division for the purpose of sustaining budget neutrality, established pursuant to section 9B of chapter 118E of the General Laws, in the event that the costs of the masshealth demonstration project, established pursuant to section 9A of said chapter 118E, are projected to exceed revenues available therefor. Said report shall detail the costs or savings associated with such options, which may include, but not be limited to: the implementation of applicant benefit waiting lists; modifications to income eligibility standards; changes to the amount, scope and duration of medical benefits; adjustments to beneficiary premiums, copayments or other cost-sharing requirements; revisions to provider billing deadlines, rates, payment schedules or other conditions of provider participation; and the identification of additional sources of revenue to maintain such benefits. Said report shall also recommend options to sustain budget neutrality in the event that funds are not available for said demonstration project from the tobacco settlement, so-called, including, but not limited to, the action known as *Commonwealth of Massachusetts v. Philip Morris, Inc., et. al.*, Middlesex Superior Court, No. 95-7378. Said report shall further include an analysis of the impact of current reductions in Medicare spending and reimbursement resulting from the Balanced Budget Act of 1997 and their effects on said demonstration project. Said report shall be submitted to the house and senate committees on ways and means not later than 90 days after the passage of this act.

SECTION 321. A special commission shall be established to study the cause and effect on the commonwealth of the consumption and abuse of alcoholic beverages and their consequences and impact in relation to health policy and cost; loss of productivity in employment; cost to the commonwealth in terms of public safety, as based upon judicial and department of corrections involvement, including traffic fatalities and injuries; the increased incidents and awareness of college or young adult binge consumption and alcohol poisoning and; at-risk behavior patterns including, but not limited to, early sexual activity and academic under achievement in youth associated with early alcohol consumption.

Said commission shall consist of 20 appointed members with appointing authority

as follows: the governor shall appoint the secretary of administration and finance, the secretary of health and human services and the commissioner of public health or their designees; the senate president shall appoint three members of the senate; the speaker of the house shall appoint five members of the house of representatives; and the senate president and the speaker of the house of representatives shall nominate one official designee from the following organizations: Associated Industry of Massachusetts, Massachusetts Association of Health Maintenance Organizations, Boston Public Health Commission, Massachusetts Medical Society, Massachusetts Health Policy Forum, Mothers Against Drunk Drivers, (Higher Ed), (the Distillers), and a trial justice as recommended by the chief justice of the trial court.

Said commission shall meet, carry out and complete its work by March 1, 2000, reporting to the governor, the senate president, the speaker of the house of representatives, the chairmen of the senate and house committees on ways and means and the clerks of the senate and house of representatives. The report shall contain recommendations for further action including legislative action.

Said commission shall expend up to \$100,000 for expenses including, but not limited to, staff, travel, consultants and other related services and may accept in-kind research work and product from appointed members.

SECTION 322. The office of child care services shall submit monthly expenditure reports for items 4130-3100, 4130-3200, 4130-3300, 4130-3400, 4130-3500, 4130-3600 and 4130-3700 of section 2 which shall include the number of voucher and contracted full-time equivalent child care placements per month, the average cost of such full-time equivalent placements per month and the total monthly cost for both such types of placement pursuant to the method delineated herein.

The office shall develop a revised caseload and expenditure projection method that reconciles the lag between child care dates of service and child care dates of payment for each category of child care placement offered by the office. The method shall provide the monthly number of voucher and contracted placements filled on a full-time equivalent basis distinguished by date-of-service expenditures from actual date-of-payment expenditures. The method shall be sufficient to develop the average cost-per-placement based on dates of service, rather than date-of-payment, for the purpose of making budget projections for the current and subsequent fiscal years. The method shall further reconcile contract and voucher utilization on a full-time equivalent basis for each month in order to establish accurate caseload numbers and to determine the rate of under utilization. The method shall not substitute the current methodology, but rather it shall be submitted in addition to current methodology.

SECTION 323. The public employee retirement administration commission, in consultation with the teachers' retirement board, shall analyze, study and evaluate the costs and actuarial liabilities attributable to the alternative retirement benefit program established by sections 33, 34, 36 and 37 of this act, and the increase in the members' contribution rate. A report and any recommended legislative changes shall be filed with the joint committee

on public service and the house and senate committees on ways and means on or before December 31, 2002 and every three years thereafter.

SECTION 324. The executive office of health and human services and all applicable line agencies thereunder, in collaboration with the department of housing and community development, the department of veterans' services and representatives of homeless service providers, shall jointly review the coordination of the delivery of services to homeless individuals and families. Said review shall include, but not be limited to, evaluating the effectiveness of programs designed to prevent homelessness, the effects of discharge policies of state mental health and substance abuse agencies on homelessness, and the availability of permanent and transitional housing. Said review shall also evaluate the equity and efficiency across state agencies of reimbursement rates and procurement requirements for said services. Following said review, said agencies and service provider representatives shall summarize their findings and make recommendations on improving the efficiency and effectiveness of delivery of said services in a report to be submitted to the secretary of administration and finance and the house and senate committees on ways and means not later than February 1, 2000. Said report shall include, but not be limited to, recommendations for program consolidation and relocation.

SECTION 325. On or before June 30, 2000, the Massachusetts commission against discrimination shall complete the investigations, issue determinations of probable cause, or lack thereof, or otherwise resolve before such determination all the cases pending before the commission that were filed before to June 30, 1998, processing first those cases filed with the commission before January 1, 1997. Said commission shall submit a report to the house and senate committees on ways and means not later than March 1, 2000 on the status of the backlog of cases pending before the commission, identifying therein those cases that were filed before June 30, 1998 in which the commission has failed to issue determinations of probable cause, or lack thereof, or otherwise resolve before such determination and stating the reasons therefor. The commission shall develop and implement a mandatory tracking order system for all pending cases that shall include the following features: (a) clearly delineated, reasonable time frames for each significant step in the procedures of the commission to promote the most efficient processing of cases before the commission while ensuring fairness and quality; (b) a process for identifying cases for an expedited processing or referral for voluntary alternative dispute resolution procedures as appropriate; (c) scheduling of periodic status conferences to narrow issues of dispute and promote resolution; and (d) consistent enforcement of time frames, including the use of default and dismissal sanctions for failure to abide by such time frames, subject to reasonable exceptions in limited circumstances as determined by the commission. The commission shall develop and implement a comprehensive training program to provide introductory and ongoing training of its investigators, attorneys, conciliators and hearing officers in appropriate investigative and case processing techniques to ensure efficiency and quality in the processing of cases before said commission. The commission shall submit a report of this program to the house and senate committees on ways and means not later than November 1, 1999.

SECTION 326. (a) The commonwealth's education reform initiative demands quality and accountability from students, teachers, schools and school districts. The integrity of the instruments by which the commonwealth measures quality is a cornerstone of accountability. The validity of the Massachusetts educator certification test, a high stakes test intended to measure minimum competency of prospective teachers, has yet to be objectively examined.

(b) The department of education shall release, not later than January 1, 2000, the technical manual and test manual for the Massachusetts educator certification test.

(c) The commissioner of education shall select a panel of three experts from out-of-state from a list of nationally qualified experts in educational and employment testing, provided by the National Research Council of the National Academy of Sciences, to perform a study of the validity and reliability of the Massachusetts educator certification test as used in the certification of new teachers and as used in the elimination of certification approval of teacher preparation programs and institutions to endorse candidates for teacher certification.

(d) The commissioner of education shall enter into a contract on behalf of the department of education, with the selected panel of experts to conduct such a study. The contract shall require that the study be completed no later than March 1, 2000. The commissioner and the department of education shall assist the panel of experts in obtaining all information, documents or other evidence necessary to conduct the study. To the extent the commissioner and the department are unable to obtain any such information, documents or other evidence from any organization, corporation, individual or other entity under contract or agreement with the commonwealth in connection with the development, administration, scoring or validation of the Massachusetts educator certification test, the house or senate committees on post audit and oversight shall utilize their power to summon witnesses, administer oaths, take testimony and compel the production of evidence in order to facilitate obtaining the necessary information.

SECTION 327. In order to ensure the efficient use of the commonwealth's international trade and tourism dollars, the Massachusetts International Trade Council, the Massachusetts export center, and the international trade assistance center in Fall River, are hereby directed to report quarterly to house and senate committees on ways and means. Said reports shall include, but not be limited to: a detailed description of the trade promotion activities of said organizations classified by trade market; expenditures on said trade promotion activities, classified by subsidiary and trade market; the number of assistance calls received by said organizations; the number of business assistance calls referred to other agencies by said organizations; the number, frequency, and title of publication requests; a description of all seminars and workshops offered by said organizations; the frequency, date, size, and duration of inbound delegations and trade mission activities undertaken by said organizations including the name and title of each individual, company or organization participating, the activities of said missions and delegations, and a description of the performance based standards established by said organizations for each mission and delegation,

including, but not limited to, a review of the correlation between expenses and future trade or investment commitments by said delegation or trade mission participants; the projected number, date, and size of any planned missions or delegations; a description of the trade or investment agreements and commitments brokered by said organizations including but not limited to, the dollar amount, term, participating organizations, estimated job creation, and revenues generated from each agreement or commitment for the commonwealth.

SECTION 328. The department of labor and workforce development, in coordination with the department of revenue, the department of education and the division of employment and training, shall develop a performance accountability system in compliance with requirements of the federal Workforce Investment Act of 1998, public law 105-220, that shall enable the commonwealth to measure the effects of workforce training and education programs on job placement, job retention, and wage rates of program participants and, with respect to incumbent worker training programs, worker skills and business productivity. Said system shall evaluate all training programs that are administered by the department of labor and workforce development, the division of employment and training, the corporation for business, work and learning, MassJobs council, the department of transitional assistance, the Massachusetts rehabilitation commission, the department of education, the University of Massachusetts and other institutions of higher education subject to the oversight of the board of higher education. Said evaluation shall include federally-funded and state-funded or state-assisted job training programs, including, but not limited to: the job training partnership act program, so-called; the Wagner Peyser program, so-called; and the federal welfare-to-work program, so-called. Said evaluation shall track employment rates, job retention rates and wage rates for individuals enrolled in said training programs prior to enrollment in said training programs and at the following intervals: six months after completion of said program; one year after completion of said program; and three years after completion of said program. Said evaluation shall give priority to tracking current and former recipients of the transitional aid to families with dependent children program. Said evaluation shall, with respect to incumbent worker training programs, compare worker skills and business productivity prior to such programs and at the following intervals: six months after completion of said program; one year after completion of said program; and three years after the completion of said program. Said department shall (i) select a vendor to develop said evaluation, (ii) complete all interagency service agreements necessary for implementation of said system, including agreements concerning confidentiality of data; and (iii) submit a plan for the implementation of said system to the house and senate committees on ways and means on or before February 1, 2000. Said department shall provide quarterly progress reports on the progress of said evaluation, including any adjustments made to implementation timelines of said evaluation, to the house and senate committees on ways and means.

SECTION 329. The department of revenue, in conjunction with the department of fisheries, wildlife, and environmental law enforcement, shall conduct a study of the feasibility and desirability of changing the point of payment of the excise imposed by section 2 of chapter 64H of the General Laws upon sales at retail of motorboats requiring

registration under chapter 90B from the vendors of said motorboats to the director of law enforcement in the department. The study shall include a review of the costs of administering such a program as well as the effects on revenue that such a change might have. The results of the study, including legislation necessary to carry out its findings and recommendations, shall be forwarded to the joint committee on taxation and the house and senate committees on ways and means not later than April 1, 2000.

SECTION 330. The department of education shall submit a report detailing the progress of the following items in section 2 towards the goals of education reform: 7061-9400, 7061-9615, 7061-9620 and 7061-9621. Such report shall include, but not be limited to, a description of the purpose of any grants that are to be used within said items, the names and the amounts of the grants, whether the grants are competitive and whether there is any local match to such grants. Within the description of the purpose of such grants shall be included a statement which identifies the substantive contribution toward the goals of education reform achieved by such grants. The report shall also include performance goals and a completion timeline for each project relating to the items and shall also include a detailed spending plan for the funds appropriated within the items, including but not limited to, funds for the purpose of accounting and posting, printing, contracting and compensation and hardware and software purchases. The report shall be submitted to the house and senate committees on ways and means and the joint committee on education, arts and humanities not later than January 20, 2000.

SECTION 331. The state auditor shall prepare a report on the expenditure of funds from items 2440-2000, 6030-7201, 6030-7211, and 6030-7221 for the removal of snow and ice. The report shall include, but not be limited to, an analysis of the following: (a) the adequacy of current controls on the expenditure of such funds; (b) the appropriateness of departmental standards for the activation of contractors; (c) measures taken to prevent fraud and abuse in the program; and (d) measures taken to control overtime compensation costs.

SECTION 332. There is hereby established the special commission on local aid and the Local Aid Fund. The members of said commission shall be the following: the comptroller, or his designee, who shall serve as chair, the treasurer, or his designee, the commissioner of revenue, or his designee, two members to be appointed by the speaker of the house of representatives, one of whom shall be a member of the Massachusetts Taxpayers Foundation, two members to be appointed by the senate president, one of whom shall be a member of the Massachusetts Municipal Association and two members to be chosen by the designated and appointed members who shall have expertise on municipal finance, local government and generally accepted accounting principles, one of whom shall be a member of the Massachusetts Association of School Committees. Said commission shall file a report not later than December 10, 1999 with the state budget director and the house and senate committees on ways and means. The purpose of said report is to examine and make recommendations on local aid and local aid related issues including, but not limited to, the slowing growth rate of lottery revenues and the resulting impact on local aid payments, identification of alternative non-state funded sources of revenue to offset the slowing growth

of lottery revenues, an examination of local aid payments and cherry-sheet aid, so-called, the revenue sharing structure of corporate, sales and income taxes between the General Fund and the Local Aid Fund, the structural deficit in the Local Aid Fund, and other issues relating to the fiscal relationship between the cities and towns and the commonwealth. Said report shall include, but not be limited to, a comprehensive definition of local aid, a brief description of the payments and assessments that comprise local aid payments, a history of local aid payments to cities and towns since the enactment of proposition 2½, so-called, a review of the General Laws governing the distribution of corporate, sales and income taxes between the General Fund and the Local Aid Fund, a 15 year history of lottery revenues, a projection of the growth of said revenues for the next five years, a ten year history of the balance of the Local Aid Fund, a description of the factors contributing to the structural imbalance of said fund, recommendations for the redefinition of local aid, recommendations for the restructuring of the Local Aid Fund that may include the abolishment of said fund, and any other proposals, including legislation necessary to effectuate the orderly and cost-effective adoption of the recommendations in said report.

SECTION 333. There is hereby established a special commission to examine the current funding and administration of the school building assistance program, established by chapter 645 of the acts of 1948, as well as alternative methods of funding school construction and renovation, and to make recommendations about any changes to said program which will improve its efficiency and effectiveness, promote the renovation of historic school buildings, and encourage the preservation of open space in the use of school building assistance funds.

Members of said commission shall be appointed as follows: three appointed by the governor, one of whom shall be a school superintendent to be chosen from a list recommended by the Massachusetts Association of School Superintendents, one of whom shall be a municipal official selected from a list recommended by the Massachusetts Municipal Association, and one of whom shall be a school committee member selected from a list recommended by the Massachusetts Association of School Committees; the secretary of the executive office of administration and finance or his designee; the treasurer or her designee; two appointed by the speaker of the house; two appointed by the president of the senate; one appointed by the minority leader of the house; one appointed by the minority leader of the senate; the chairman of the board of education or his designee; and the commissioner of education or his designee.

The special commission shall make an investigation and report of its findings, including but not limited to, the feasibility of establishing a revolving loan fund to finance school construction, using pooled revenues of the commonwealth for said purpose, creating a credit enhancement program, authorizing the accumulation of local school budget surpluses supported by additional per pupil state appropriations, the possibility of authorizing and using alternative construction methods, including the design-build method of construction, so-called, in constructing and renovating schools, and the cost implications of using an equal cost standard for new construction and renovation projects based on the price experience of recently completed and recently bid school projects taking into account the cost effectiveness

of design, construction, and programming techniques utilized in such school projects.

Said commission shall also examine whether current laws and regulations encourage new construction or renovation of existing school buildings, whether such laws or regulations should be amended to encourage restoration of existing school facilities or the preservation of open space, the effects of minimum acreage requirements, the implications of including the acquisition of land as a reimbursable cost under any reimbursement formula, and the potential methods of funding the school repair projects wait list. The commission shall further examine the current reimbursement percentages payable to cities and towns of the commonwealth for school construction projects and possible revisions to the reimbursement formula used to calculate said percentages.

Said commission may call upon officials of the commonwealth or its various subdivisions for such information as it may desire in the course of its investigation and study. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, by filing the same with the clerk of the house of representatives and the clerk of the senate on or before the first Wednesday of March 2000. Said clerk shall forward said report to the house and senate chairmen of the joint committee on education, arts, and humanities and the chairmen of the house and senate committees on ways and means.

SECTION 334. The secretary of administration and finance or his designee in consultation with the state climatologist and the chancellor of the university of Massachusetts at Lowell shall conduct a study of (1) the historical and current duties and responsibilities of the state climatologist; (2) the property, records and other data kept and maintained by such climatologist; (3) the feasibility of the university of Massachusetts at Lowell or other public entity assuming custody and responsibility for such records and data and the costs thereof; (4) the future role of the state climatologist and the appropriate individuals or entities to fulfill it; and (5) costs associated with the duties of the state climatologist and potential methods for financing such costs, including the payment of fees. The study together with legislation necessary to carry out its recommendations shall be submitted to the house and senate clerks, and the house and senate committees on ways and means not later than April 1, 2000.

SECTION 335. There is hereby established a commission to examine the financial options available to the Northeast Solid Waste Committee, in this section called NESWC, in relation to the Mass. Refuse-Tech, Inc. solid waste facility located in the town of North Andover and said committee's financial obligations associated with the existing solid waste agreement with Mass. Refuse-Tech, Inc. The commission may consider all financial options including sale, closure, and operation of said facility.

The commission shall consist of nine persons to be appointed by the governor as follows: the secretary of environmental affairs or his designee, the secretary of administration and finance or his designee, the director of the Massachusetts development finance agency or his designee, the town manager of the town of North Andover, a commercial investment banker, two members of the NESWC board of directors, the chief

financial officer of a NESWC member community other than North Andover, and a representative of Mass. Refuse-Tech, Inc.

The commission shall report its findings to the governor, the house of representatives and the senate no later than June 30, 2000.

SECTION 336. The comptroller is hereby authorized and directed to submit a report not later than November 19, 1999 to the state budget director and the house and senate committees on ways and means that shall include, but not be limited to, the following: (1) recommendations for modifying state finance law to require that all budgeted governmental funds end a fiscal year with either a positive or zero balance; (2) recommendations for condensing and combining the purposes and number of environmental funds, including a survey of the fees and other revenue streams that are credited to said funds and the expenditures charged to said funds, and recommendations for correcting the structural imbalance of said funds; provided, that said recommendations may include proposals for adjustments in user fees; (3) the feasibility of requiring that all proposals which create a new fund shall include a five year projection of all revenues and expenditures from said fund; (4) recommendations for reducing the number of budgeted minor funds; (5) recommendations for adopting a new definition of fiscal balance that may include redefining consolidated net surplus to include certain components of fund balance, such as reserves for continuing appropriations and the entire balances of other budgeted funds; (6) recommendations on the modification of state finance law to budget consistently with generally accepted accounting principals for governments; and (7) any other proposals, including legislation, necessary to effectuate the orderly and cost-effective adoption of the recommendations in said report.

SECTION 337. There is hereby established a special commission for the purpose of conducting an investigation and study of the methods necessary to provide long term management stability and maintenance integrity of the Nantucket Lightship and to examine the ability of the metropolitan district commission to appropriately fund and manage the operating and capital needs required at this attraction. Said special commission shall determine whether the long-term future development and operation of the Nantucket Lightship would be better served by transferring the ship to the oversight of another public or private agency, including the United States Naval Shipbuilding Museum in the city of Quincy in addition to historical exhibits concerning the U.S.S. Salem. Said special commission shall consist of two members of the senate, two members of the house of representatives, the mayor of Quincy or his designee, the commissioner of the metropolitan district commission or his designee, a representative of the Schooner Ernestina project appointed by commissioner of the department of environmental management, one individual appointed by majority vote of the Friends of the Nantucket Lightship, so-called, and the director of the North Quincy Business and Professional Association or his designee.

Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of represent-

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atives within 180 days after the effective date of the fiscal year 2000 general appropriations act.

SECTION 338. There is hereby established a special commission to investigate and report on matters affecting the practice of nursing and the delivery of healthcare services by nurses. The committee will gather information from healthcare providers and licensed or unlicensed employees, on the impact of their job performance of any/all current regulations, promulgated by any and all state agencies. This information will be compiled for a comprehensive review of the efficacy of any and all regulations on indirect and/or direct patient care.

The committee shall be composed of five members of the house of representatives and five members of the senate. Appointments will be made by the speaker of the house and the president of the senate, respectively.

Said committee may report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to implement such recommendations, by filing the same with the clerks of the house of representatives and the senate. The committee shall file its final report on or before the last Wednesday in December, 2000.

SECTION 339. There is hereby established a special commission, to consist of five members of the senate, seven members of the house of representatives, the commissioner of youth services or his designee, the commissioner of social services or his designee, the commissioner of education or his designee, the commissioner of public health or his designee, the commissioner of probation or his designee, the commissioner of mental health or his designee, and two persons to be appointed by the governor, for the purpose of making an investigation and study relative to adolescents at risk, including, but not limited to, youth involved with the department of youth services and social services; teen pregnancy and parenthood; teens and HIV/AIDS; substance abuse issues; school dropouts, truancy and violence; gangs; teen dating violence; suicide; mental health needs; teen homelessness and other issues related to adolescence.

Said commission shall report to the general court the results of its investigation and study including an inventory of existing programs and possible alternative programs; plans on coordination of efforts and resources to meet the needs of this at-risk population. Said commission shall make recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before March 1, 2000.

SECTION 340. The office of the treasurer shall conduct a study to develop a lottery ticket litter reduction plan. The study shall include an analysis of effective and cost-incentive methods to reduce and prevent the littering of public areas of the commonwealth with non-winning lottery tickets. The office shall submit the results of the study, along with any recommendations for legislation, to the clerk of the house of representatives, clerk of the senate, the house and senate committees on ways and means and the governor not later than April 1, 2000.

SECTION 341. The department of public health shall report to the senate committee on ways and means a service plan for children currently served and eligible for enrollment in regional development day programs, so-called. Said department shall submit said report not later than January 1, 2000 and shall take no action phasing out regional developmental day programs until 60 days after the submission of the report.

SECTION 342. Notwithstanding the provisions of any general or special law to the contrary, the Devens enterprise commission, established by chapter 498 of the acts of 1993, shall file a report with the house and senate committees on ways and means not later than January 1, 2000, detailing its compliance with the Devens reuse plan, so-called, and the agreement regarding relocation and marketing efforts as provided in the memorandum of understanding executed in 1997 between the Devens commerce center and the communities in the Devens impact area, including Acton, Ashburnham, Ashby, Ayer, Bolton, Boxboro, Clinton, Fitchburg, Gardner, Groton, Harvard, Hubbardston, Lancaster, Leominster, Littleton, Lunenburg, Pepperell, Princeton, Shirley, Sterling, Stow, Templeton, Townsend, Westford, Westminster and Winchendon.

SECTION 343. The Massachusetts Bay Transportation Authority shall prepare a study on the feasibility of providing additional commuter rail and bus transportation services to facilitate reverse commuting services, so-called. Such study shall include, but not be limited to, the following: (1) demand for additional commuter rail services that provide transportation from Boston during both morning and evening rush hour commutes to stations on commuter rail lines; (2) additional bus services and routes necessary to provide north and south connecting services between commuter rail stations located in municipalities along the state highway Route 128 and interstate highway route 495 corridor and the demand for such services; (3) whether such services assist businesses and industries with the recruitment and retention of employees; and (4) the impact of such services on traffic management and congestion; and (5) analyses of the cost and technical requirements of such reverse commuting services. A report of such study shall be filed with the clerks of the house and senate and the joint committee on transportation and the house and senate committees on ways and means not later than March 1, 2000.

SECTION 344. There is hereby established a task force to consist of 12 members to study the present and future fiscal health of acute care hospitals in the commonwealth. Said task force shall include 12 members: two members of the senate, one of whom shall be the senate chairman of the joint committee on health care and one of whom shall be a member of the minority party recommended by the minority leader, two members of the house of representatives, one of whom shall be the house chairman of the joint committee on health care and one of whom shall be a member of the minority party recommended by the minority leader; the secretary of health and human services, the commissioner of medical assistance and six persons to be appointed by the governor, one of whom shall represent a graduate school of public health who shall be a medical economist, one of whom shall represent the Massachusetts Hospital Association, one of whom shall represent the Massachusetts Council of Community Hospitals, one of whom shall represent the Massachusetts

Health and Education Facilities Authority, one of whom shall represent the Massachusetts Association of Health Maintenance Organizations, and one of whom shall represent the Massachusetts Business Roundtable. Said task force shall be chaired jointly by the chairs of the joint legislative committee on health care and the commissioner of medical assistance.

Said task force study shall include, but not be limited to, the following: (1) hospital bond ratings; (2) risk-based capital reserves and general capital reserves; (3) impact of access to the uncompensated care pool; (4) hospital debt; (5) operating costs; and (6) the impact of both the Balanced Budget Act and the economics of managed care. Said task force shall submit a report to the house and senate committees on ways and means not later than April 30, 2000.

SECTION 345. The group insurance commission shall conduct a feasibility study which shall include, but not be limited to, the following determinations: the benefits, terms and conditions of a long-term care benefits program for state employees; the interest in such benefits among state employees, retirees and their spouses; the range of monthly premium amounts that would be acceptable to employees and retirees to insure a viable initial and continued enrollment in the plan and the possibility of expanding eligibility beyond those initially eligible.

SECTION 346. Notwithstanding the provisions of any general or special law to the contrary, the secretary of health and human services, the commissioner of public health and the commissioner of medical assistance shall jointly study the feasibility for the reuse and redistribution of prepackaged prescription drugs. The study shall include, but not be limited to, (i) an examination of the regulations of the commonwealth as they apply to the disposal of prepackaged prescription drugs upon the death, transfer, discharge or change of prescription of a resident of a long term care facility, hospital, health care facility or human service facility; (ii) an analysis of various methods of packaging and distribution that will promote cost-effective and safe redistribution of unused prepackaged prescription drugs; and (iii) a cost savings analysis of current proposed regulations. The study shall seek the opinions of citizens and consumers through hearings or written testimony. The results of the study shall be reported to the general court and recommendations, if any, together with drafts of recommended changes to the regulations or any legislation necessary to carry such recommendations into effect shall be filed with the clerks of the house of representatives and the senate on or before April 1, 2000.

SECTION 347. There is hereby established a special commission on medical quality and health care regulation which shall include the secretary of health and human services and the senate and house chairs of the joint committee on health care, all three of whom shall serve as co-chairs, the director of consumer affairs and business regulation or his designee, the commissioner of public health or his designee, two members of the senate, one of whom shall be appointed by the minority leader of the senate, two members of the house of representatives, one of whom shall be appointed by the minority leader of the house of representatives, and a representative of each of the following organizations appointed by said organization: American Association of Retired Persons, American College of Physicians,

Boston University School of Medicine Center for Primary Care, Harvard Risk Management Foundation, Health Care Financing Administration Regional Office, Harvard School of Public Health, Institute for Healthcare Improvement, Home & Health Care Association of Massachusetts, Joint Commission on Accreditation of Healthcare Organizations, Massachusetts Association of Behavioral Health Systems, the Massachusetts Association of Health Maintenance Organizations, Massachusetts Board of Nursing, Massachusetts Board of Registration in Pharmacy, Massachusetts Board of Registration in Medicine, Massachusetts Extended Care Federation, Massachusetts Hospital Association, Massachusetts League of Community Health Centers, Massachusetts Medical Society, Massachusetts Nurses Association, Massachusetts Organization of Nurse Executives, Massachusetts Peer Review Organization, Professional Liability Foundation, PRO Mutual Group and a consumer.

The commission shall review the role of state government agencies through law and regulation to improve the quality of health care and patient safety, to establish a mechanism to identify and encourage implementation of best practices to minimize medical errors; to insure accountability among all components of the health care field in implementation of best practices to increase awareness of error prevention strategies through public and professional education; to identify areas of mutual interest and to minimize duplication of state regulations and Joint Commission for the Accreditation of Healthcare Organization requirements so that efforts are focused on initiatives that can best improve patient care. The commission shall file a report and any recommendations with the secretary of administration and finance, the senate and house committees on ways and means and the joint committee on health care not later than December 1, 2000.

SECTION 348. The executive office of health and human services in collaboration with the department of education shall conduct a study of residential placement services for children on Cape Cod. The study shall include an analysis of the children currently in residential treatment, a review of current funding strategies, a review of diagnostic criteria for deciding to access residential placement, a review of discharge criteria and identification of common ground on which to build mutual agreements. The study shall also include recommendations on a more efficient use of public funds, a more timely response to service needs and mutual agreements among agencies to standardize cost sharing, intake and discharge.

SECTION 349. Notwithstanding the provisions of any general or special law to the contrary, the department of education shall collaborate with the department of public health to jointly review the delivery of the school breakfast program, so-called, and the women, infants and children program, so-called. The review shall include, but not be limited to, evaluating the effectiveness of said programs, evaluating the nutritional value of the breakfasts served, incidences of children suffering negative health effects due to lactose intolerance and any other negative health effects. Said agencies shall report their findings and any recommendations on improving the effectiveness of said programs, including addressing any negative health effects, to the clerk of the house of representatives, the clerk

of the senate and the joint committees on health care, and education, arts and humanities on or before March 30, 1999.

SECTION 350. The department of education shall conduct a study of the formula for distribution of funds to cities and towns participating in the METCO program, so-called. Said department shall include in the study the disparity in reimbursement between school districts participating in the program, the school choice reimbursement formula, and the charter school reimbursement formula. Said department shall submit the results of the study, along with any recommendations for legislation, to the clerk of the house of representatives, the clerk of the senate, the house and senate committees on ways and means and the governor not later than December 31, 1999.

SECTION 351. There is hereby established a special commission to study and develop an actuarially sound subsidized insurance program to provide prescription drug coverage for all persons who are 65 years of age and older and certain persons with disabilities. The commission shall address, through its study, methods for operating said insurance program in conjunction with or incorporated into the current pharmacy program established pursuant to section 16B of chapter 118E of the General Laws.

Said commission shall examine the following eligibility requirements and program features of said subsidized prescription drug insurance program: (1) eligible persons may include individuals who are 65 years of age and older; and persons with disabilities who meet the definition of an eligible person pursuant to section 16B of chapter 118E; (2) required exhaustion of any other pharmacy benefits or coverage, including benefits under section 16B of chapter 118E; (3) deductibles, which may be on a sliding scale; (4) premiums on a sliding scale based on a recipient's income; (5) incentives for each eligible person to apply for benefits at the age of 65 and a penalty for later enrollment; and (6) copayment requirements.

In developing said program, the special commission shall also study relevant issues, including, but not limited to, the following: (1) the types and costs of all out-patient prescription drug coverage, including medigap supplemental plans, currently operating and available to the elderly and disabled in the commonwealth and the extent of coverage or benefits that each plan provides to the policyholder, including but not limited to, Medicare deductibles, coinsurance amounts, co-payments, or premiums required per plan, benefit limits per plan, legend and non-legend drugs covered per plan, and all other aspects of member benefits and regulations that the commission deems relevant to said study; (2) the implications of public financing of prescription drug benefits on the continued availability of private insurance prescription drug coverage in the commonwealth; (3) possible funding sources for said subsidized insurance program through publicly financed or subsidized sources, including, but not limited to, savings from the general fund, contributions by the federal government, or tobacco settlement payments, so-called; and (4) the potential fiscal impact of said special commission's recommendations on the MassHealth demonstration project and budget neutrality, established pursuant to sections 9A and 9B of chapter 118E of the General Laws.

Said commission shall consist of 21 members as follows: the senate and house chairs of the joint committee on health care, the chairs of the house and senate committees on ways and means or their designees; the secretary of health and human services; the secretary of elder affairs; the commissioner of medical assistance; the commissioner of health care finance and policy; the commissioner of public health; the commissioner of the division of insurance; the executive director of the board of pharmacy; a representative of the biotech council; a representative of Health Care for All; a representative of the Massachusetts Senior Action Council; a representative of the American Association of Retired Persons; a representative of the Alzheimer's Association; a representative of the Massachusetts Association of Health Maintenance Organizations; a representative of the Disability Law Center; and three persons appointed by the governor, one of whom shall be from higher education institutions and shall have expertise in public health or health care economics, one of whom shall represent the pharmaceutical industry, and one of whom shall be an actuary. Said commission shall be chaired jointly by the chairpersons of the house and senate committees on ways and means, or their designees.

Said commission may expend up to \$200,000 for the services of an actuary to provide financial and technical assistance. Said expenses shall be allocated from item 4000-1450 of section 2 in this act. Said actuary shall provide the commission with detailed information including but not limited to the following: (1) an estimate of the total population of seniors and persons with disabilities eligible to participate in said program, delineated by income levels, as individuals and households; (2) an analysis of utilization and cost-per-recipient patterns projected for seniors and persons with disabilities; and (3) the projected cost of providing full or partial subsidies on a sliding scale to certain low income participants.

Said commission shall file a report with recommendations for a proposed program not later than April 30, 2000 with the house and senate committees on ways and means and the joint committee on health care.

SECTION 352. There is hereby established a special commission to study methods of identifying potentially dangerous students and protecting the students, faculty and administration from acts of extreme violence. The study shall include, but not be limited to, the detection of early warning signs, effective methods of intervention once a student is identified, the use of security guards or metal detectors in schools, appropriate levels of punishment for carrying guns in schools and appropriate peer and guidance counseling. Said commission shall consist of 15 members as follows; the house and senate chairmen of the joint committee on public safety; the house and senate chairmen of the joint committee on education, arts, and humanities; a member of the senate to be appointed by the minority leader of the senate; a member of the house to be appointed by the minority leader of the house; the commissioner of education or his designee; one superintendent who shall be appointed by the Massachusetts Association of Superintendents; one principal who shall be appointed by Massachusetts Association of Secondary School Principals; one teacher who shall be appointed by the Massachusetts Teachers' Association; one teacher shall be appointed by the Massachusetts Federation of Teachers; the secretary of public safety or her

designee; one chief of police who shall be appointed by the Massachusetts Police Chiefs Association; one ranking officer who is a member of the Massachusetts Safety Officers League who shall be appointed by said league and one patrolman who is a member of the Massachusetts Safety Officers League who shall be appointed by said league. Said commission shall research and develop appropriate guidelines and criteria for a report and recommendations not later than December 1, 1999. Said commission shall conduct five regional hearings across the commonwealth to assist in the development of the guidelines and shall establish criteria for recommendations not later than February 1, 2000. Said commission shall report the results of its study, together with recommendations and drafts of legislation necessary to carry out such recommendations, by filing the same with the clerks of the house of representatives and the senate on or before March 1, 2000.

SECTION 353. Notwithstanding the provisions of any general or special law to the contrary, the department of education shall develop alternative methods for assessing the competency and occupational proficiency of students enrolled in vocational education programs. The department shall file a report with the joint committee on arts, education and the humanities and with the house and senate committees on ways and means not later than March 31, 2000, detailing the department's development of alternative methods for assessing the competency and occupational proficiency of students enrolled in vocational education programs. The report shall include a listing of all major vocational school fields of study and specify the time frame for the development of certificates of occupational proficiency, so-called, for all fields of study. The report shall also include an analysis of the scores of students enrolled in vocational programs for each exam and its sections administered as part of the 1999 Massachusetts comprehensive assessment system, so-called. The analysis shall compare the scores of students enrolled in vocational programs on each exam and section to the average score for high school students not enrolled in vocational education programs. The report shall also contain recommendations for changes in the competency determination required of vocational school students.

SECTION 354. The board of higher education shall conduct a study of the establishment of a full-time branch campus of a public college or university within the city of Attleboro. The study shall include an analysis of the economic benefits to the city and the greater Attleboro region, the cost of establishing and maintaining a full-time branch campus, including the costs of building acquisition and construction, and the unmet need for educational services within the greater Attleboro region. The board shall file the results of such study, along with its recommendation for legislation, if any, with the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the senate committee on post audit and oversight and the governor not later than March 31, 2000.

SECTION 355. There is hereby established a special commission for the purpose of making and investigation and study relative to methods to provide long-term management, maintenance and preservation of Moon Island located in Norfolk county and for determining and publicizing projected future development and use of Long Island located in Suffolk county. The special commission shall consist of two members of the senate, two members

of the house of representatives, the mayor of the city of Quincy or his designee, the mayor of the city of Boston or his designee, one representative of the National Parks Service, the secretary of environmental affairs or his designee, a representative of conservation and environmental interests appointed by said secretary, and the director of the Squantum Neighborhood Association or his designee.

Said commission shall report to the senate and house of representatives the results of its investigation and study for preserving Moon Island, along with a non-binding master plan for future use and development of Long Island. The special commission shall file its report and recommendations for further environmental oversight and preservation of said islands, together with any drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the house of representatives and the senate not later than March 1, 2000.

SECTION 356. The department of public safety, in consultation with the chief justice for administration and management of the trial court and the administrators of the Massachusetts criminal justice training council, shall study the feasibility of developing a certified program or certified courses for constable training. The results of such study shall be reported to the senate president, the speaker of the house of representatives, the senate minority leader, the joint committee on public safety and the house and senate committees on ways and means not later than December 23, 2000.

SECTION 357. The senate committee on ways and means shall forthwith conduct a study in conjunction with the city of Worcester relative to the land acquisition costs associated with the Worcester Medical City project, so-called. A copy of the study shall be filed with the clerk of the senate on or before August 15, 1999.

SECTION 358. The department of revenue, in consultation with the commissioner of veteran services and the Massachusetts Veterans' Agents Association shall conduct a study of public benefits for veterans. The study shall include an analysis and recommendations on (a) the scope of benefits provided to veterans pursuant to the provisions of chapter 115 of the General Laws or any other general or special law, or local or federal law providing said benefits to veterans; (b) the definition of the word "veteran" in the General Laws, and whether changes to said definition are appropriate or necessary in order to include in said definition individuals who have served or are serving in the armed forces and do not meet the "wartime service" requirement of clause Forty-third of section 7 of chapter 4 of the General Laws; (c) the application of said definition to any benefits provided to such veterans under the laws of the commonwealth; (d) the number of additional veterans who will be included in an expanded definition and the fiscal impact of this expansion to the commonwealth and cities and towns; and (e) the benefits provided to the surviving spouses of servicemen or servicewomen who died while serving in the armed forces of the United States or suffered service connected disabilities. The department shall report its findings and recommendations, including any fiscal impact and proposed legislation, to the secretary of administration and finance and the house and senate committees on ways and means not later than March 1, 2000.

SECTION 359. For the purpose of protecting consumers and improving the effectiveness of the provision of gas, electricity, energy, telecommunications and cable services to the citizens of the commonwealth, there is hereby established a special commission to investigate and examine the feasibility of transferring the department of telecommunications and energy, its operations, duties, functions and responsibilities to the office of the attorney general.

Said commission shall include seven members, which shall include the attorney general or his designee; the secretary of administration and finance or his designee; the commissioner of the department of telecommunications and energy or his designee; the inspector general or his designee; a member of the senate; a member of the house; and one individual appointed by the governor with demonstrated experience and background in consumer protection and advocacy.

Said commission shall investigate and examine: (1) the functions, duties and responsibilities of the department of telecommunications and energy and its effectiveness in carrying out such functions, duties and responsibilities; (2) the consumer protection obligations and activities of said department and its effectiveness in carrying out such obligations and activities; (3) the responsiveness, effectiveness, and accessibility of said department, and the entities, industries and companies that it regulates, to consumer questions and complaints in every municipality in the commonwealth; (4) the environmental protection obligations and activities of said department and its effectiveness in carrying out such obligations and activities; and (5) the feasibility of transferring all or any portion of the functions, duties, responsibilities, obligations and activities of said department to the office of the attorney general.

Said commission shall report to the general court the result of its study and its recommendations, together with drafts of legislation necessary to carry out such recommendations, by filing the same with the house and senate committees on ways and means, and clerks of the house of representatives and the senate on or before April 1, 2000.

SECTION 360. The department of environmental management shall examine the feasibility of dedicating a portion of its revenue stream derived from Salisbury beach state reservation to the continued development and improvement of said reservation and the surrounding properties. The department of environmental management shall report its findings to the house committee on ways and means and the senate committee on ways and means on or before January 1, 2000.

SECTION 361. There is hereby established a special commission to make an investigation and study to recommend solutions to the general court for alleviating the presence of the blighted buildings in the commonwealth, tax current or tax delinquent. Said special commission shall consist of the following members: mayors or their designees of the four largest cities by population in the commonwealth, the senate president and the speaker of the house of representatives or their designees, the house and senate chairmen of the joint committee on housing and urban development, the governor or his designee, a representative of the Massachusetts Municipal Association and a representative of Citizens Housing and

Planning Association. The members of this special commission shall vote upon a chairman. The special commission shall report back to the legislature with their findings and recommendations for legislative action, not later than April 3, 2000.

SECTION 362. The department of labor and workforce development shall study the consolidation of all job training and workforce development programs in the commonwealth including, but not limited to, those programs funded through items: 5920-2025, 4401-1000, 4110-3010, 4120-2000, 4120-3000, 7035-0002, 7027-0018, 7027-0016, 7002-0101, 7003-0700, 7003-0500, 7003-0103, 7003-0810, 7003-0400, 7003-0603, 7003-0901, 7003-0601, 7003-0900, 7009-0810, 7003-1000, 7003-2000, 7038-0002, 7038-0107, 7038-0131, 7038-0192, 1410-0128, 7003-0701, 7003-0803, 7003-1621, 7003-1623, 7003-1624, 7002-6626, 7002-9701, 7003-9006, 7003-1627, 7002-6628, 7002-6629 and 7003-1010.

The directors of each of the programs referenced above shall meet regularly with the director of the department of labor and workforce development and the deputy director of workforce development and shall provide them with any information necessary to assist in the coordination of these programs including, but not limited to, program goals, and planned activities for fiscal year 2000 and beyond.

On or before March 1, 2000, the department of labor and workforce development shall submit a report to the clerks of the house and senate and the house and senate committees on ways and means detailing a plan to consolidate the administration of workforce development programs. The plan shall include the programs to be consolidated, a proposal for consolidating certain programs as of July 1, 2000, any necessary changes to special and general law, and any additional funding requirements. The plan shall also include any recommended changes to the department of labor and workforce development to enable it to effectively assume its increased responsibilities.

SECTION 363. The department of revenue shall establish a special study commission to investigate the effects of internet sales and e-commerce on retail businesses in Massachusetts. The commission shall investigate the amount of sales tax revenue avoided through internet sales in the commonwealth, the economic effects of such revenue losses on the commonwealth and the competitive disadvantages at which commonwealth merchants who collect sales tax are placed as a result of tax-free internet sales. The commission shall recommend strategies and taxation policies to ensure a competitive marketplace among internet sellers and traditional retailers in the commonwealth once the existing federal moratorium on internet taxation expires.

The commission shall consist of 15 members, including three members of the house of representatives, one of whom shall be the house chairman of the joint committee on taxation, three members of the senate, one of whom shall be the senate chairman of the joint committee on taxation; the commissioner of revenue; and eight members to be appointed by the governor, one of whom shall be a representative of the Retailers Association of Massachusetts, one of whom shall be a representative of the Massachusetts Taxpayers Foundation, two independent merchants each operating at least one retail store in Massachusetts, two of whom shall be representatives from companies engaged in internet

sales and e-commerce, and one of whom shall be a representative of a multi-state chain retail operation with stores in the commonwealth.

The commission shall submit its recommendations to the joint committee on taxation and the house and senate committees on ways and means not later than November 15, 2000.

SECTION 364. There is hereby established a special commission to study the need for redevelopment of state-assisted housing developments and innovative ways to revitalize such developments. Said commission shall consist of two members of the senate, one of whom shall be the senate chairman of the joint committee on housing and urban development, two members of the house of representatives, one of whom shall be the house chairman of the joint committee on housing and urban development, the director of housing and community development or his designee, and nine persons to be appointed by the governor, one of whom shall be a representative of the Massachusetts Chapter of the National Association of Housing and Redevelopment Officials, one of whom shall be a representative of the Massachusetts Union of Public Housing Tenants, two of whom shall be executive directors of public housing authorities which own chapter 200 housing, two of whom shall be residents of chapter 200 state-assisted housing developments, one of whom shall be a representative of the Council of Large Public Housing Authorities, one of whom shall be a representative from Citizens Housing and Planning Association and one of whom shall be experienced in the development of affordable housing for the purpose of making an investigation and study of the need for renovation and revitalization of state-assisted housing developments created pursuant to chapter 200 of the acts of 1948 and for the purpose of developing new program initiatives for said chapter 200 state-assisted housing developments. The chairmen of the joint committee on housing and urban development shall serve as the co-chairmen of the special commission. Said study shall include, but not be limited to: (a) modernization needs of such housing; (b) possible funding mechanisms to modernize and revitalize said chapter 200 state-assisted housing developments, including a review of the process and criteria by which state modernization funds are awarded; (c) the feasibility of establishing replacement reserve accounts at local housing authorities; (d) the feasibility of using private capital in the redevelopment of said chapter 200 state-assisted housing developments; and (e) the criteria for replacement housing in cases where there will be a reduction of units. Said commission may conduct public hearings throughout the commonwealth. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry out such recommendations, by filing the same with the clerks of the senate and house or representatives, and the joint committee on housing and urban development on or before April 1, 2000. The results of the study shall have no bearing on the results of the study commission established pursuant to section 18 of chapter 257 of the acts of 1998.

SECTION 365. The Massachusetts Bay Transportation Authority, the department of highways, the Massachusetts Turnpike Authority and the metropolitan district commission, acting jointly, shall conduct a study relative to the Woodland and Riverside stations of the Massachusetts Bay Transportation Authority and the area surrounding said

stations. Said study shall include, but not be limited to, the proposed development of land owned by the Massachusetts Bay Transportation Authority in said area and its impact on the quality of life on residents of the area, transportation and traffic and the feasibility of establishing an intermodal transportation terminal. Said agencies shall, in the conduct of the study, hold at least one public hearing in a place accessible to the residents of said area.

The results of said study shall be filed with the joint committee on transportation not later than February 28, 2000 and no development of the land shall take place in said area prior to the completion and filing of the results of the study.

SECTION 366. There is hereby established a special commission to study and evaluate the expansion of health care coverage to the working uninsured. Said study shall include, but not be limited to, review and analysis of the advisability and feasibility of using monies generated from the strategic contribution portion of the tobacco settlement referenced in chapter 29D of the General Laws, or other monies from said settlement, for said expansion. Said commission shall consist of 16 members as follows: three members of the senate, one of whom shall be the senate chairman of the committee on health care, or his designee, one of whom shall be the senate chairman of the committee on ways and means, or his designee, and one of whom shall be the ranking member of the senate committee on ways and means from the minority party, or his designee; three members of the house of representatives, one of whom shall be the house chairman of the committee on health care, or his designee, one of whom shall be the house chairman of the committee on ways and means, or his designee, and one of whom shall be the ranking member of the house committee on ways and means from the minority party, or his designee; the secretary of administration and finance, or his designee; the commissioner of the division of medical assistance, or his designee; the commissioner of health care finance and policy, or his designee; the commissioner of public health, or his designee and six members appointed by the governor, as follows: one representative from an institution of higher education with expertise in public health and insurance issues, one representative of the Massachusetts Association of Health Maintenance Organizations, one representative of Health Care for All, one representative of the Massachusetts League of Community Health Centers and one consumer. The commission shall file a report and any recommendations not later than June 30, 2000 with the house and senate committees on ways and means, the joint committee on health care, and the Advisory Committee on Health Care and Tobacco Control, created by said chapter 29D.

SECTION 367. There is hereby established a special commission to study the feasibility of establishing a program to provide incentives for firefighters to obtain advanced education in fire fighting science and related relevant subjects. Said commission shall consist of the secretary of administration and finance, the secretary of public safety, the chairmen of the senate and house committees on ways and means, the house and senate chairmen of the joint committee on public service, the president of the Massachusetts association of fire chiefs, the commissioner of the department of fire services and a labor representative to be appointed by the governor. Said commission shall report in writing the

results of said study together with its recommendations to the secretary of administration and finance and the chairmen of the senate and house committees on ways and means not later than December 1, 1999.

SECTION 368. A special commission is hereby established for the purpose of conducting an investigation and study of methods to provide long-term management and maintenance of quarries located in the city of Quincy and for establishing enhanced safety protocol at all state and locally owned quarry sites, including open space and private property located adjacent to such quarries. Said commission shall consist of two members of the senate, two members of the house of representatives, the district attorney for the Norfolk district or his designee, the mayor of the city of Quincy or his designee, the Ward 4 councilor elected in the city of Quincy, the commissioner of the metropolitan district commission or his designee, one individual representing conservation and environmental interests appointed by the secretary of environmental affairs and the director of the Quincy Ward Four Neighborhood Association or his designee. Said commission shall solicit public, business and municipal input and shall determine methods to appropriately safeguard surrounding neighborhoods from unsafe conditions and criminal activities currently in place at the respective locations and shall help to frame a non-binding master plan regarding potential future development plans.

Said commission shall report to the general court and the city of Quincy the results of its investigation and findings, any recommendations and any drafts of legislation necessary to carry out its recommendations by filing same with the clerks of the house of representatives and senate and the city of Quincy not later than January 15, 2000.

SECTION 369. There is hereby established within the department of economic development the Massachusetts film advisory board which shall consist of the executive director of the office of film and video development, the director of economic development, the commissioner of capital asset management and maintenance or his designee, the secretary of administration and finance or his designee, the director of the Boston film bureau and four persons to be appointed by the governor, including persons having knowledge and expertise in motion picture film production at least one of whom shall be a labor representative of employees in the film production industry. The purpose of the board shall be to: (1) ensure regular communication and coordination between public and private agencies and organizations which facilitate and promote motion picture film production in the commonwealth; and (2) develop recommendations on promoting and maintaining an attractive environment for motion picture film production.

In making its recommendations, the board shall evaluate existing incentives provided to motion picture production companies including, but not limited to, the fee-free location program, so-called. The board shall file a report with house and senate committees on ways and means on or before January 15, 2000 detailing its recommendations and activities. The board shall meet from time to time, but not less than quarterly, and shall adopt by-laws to govern its affairs.

Said board shall, in coordination with the department of revenue, study the impacts of allowing for the reimbursement of sales taxes and room occupancy taxes paid by motion picture film production companies while filming in Massachusetts for extended periods of time. Said study, with recommendations and tax revenue impact estimates, shall be submitted to the house and senate committees on ways and means not later than January 15, 2000.

SECTION 370. There is hereby established a special commission to study the feasibility of establishing a program to charge incarceration fees to inmates of correctional facilities in the commonwealth. Said commission shall examine: (1) the appropriate amount or range for such fees and manner and method for collection thereof; (2) costs associated with comprehensive determination of inmate's assets, liabilities, and indigency status, and the appropriate time, place and manner for making such determination; (3) costs associated with implementation and enforcement of such program; (4) costs associated with inmate appeals and challenges to such program; (5) the potential revenue impact to the commonwealth; (6) impact of program on the inmate's dependents and on other individuals and public programs to which inmate funds are dedicated; (7) costs associated with enforcing collection of such fees; and (8) any other issues the commission deems relevant to its full examination of the feasibility of establishing, implementing and enforcing such program. Said commission shall consist of eleven members as follows: the joint chairs of the committee on public safety, who shall serve as co-chairs; the chief justice for administration and management of the trial court or her designee; the attorney general or his designee; the commissioner of correction or his designee; the commissioner of probation or his designee; the commissioner of revenue or his designee; a representative selected by the district attorney's association; two representatives selected by the sheriff's association; and the director of the committee for public counsel services or his designee. Said commission shall file a report on the results of its study, together with recommendations and any legislation necessary to carry out its recommendations with clerks of the house of representatives and the senate, the joint committee on public safety and the house and senate committees on ways and means not later than October 30, 2000.

SECTION 371. The governor shall appoint a special committee to consist of the commissioner of revenue or his designee, the commissioner of insurance or his designee, and a representative of the property insurance industry relative to the projected amount of child support collections that would result from adding first party claims under non-commercial policies to the system established by section 153. The committee shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before March 31, 2000.

SECTION 372. Section 73 shall apply to tax years beginning on or after January 1, 2000.

SECTION 373. Section 74 shall apply to tax years beginning on or after January 1, 2001.

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SECTION 374. Section 75 shall apply to tax years beginning on or after January 1, 2002.

SECTION 375. Sections 84 and 85 shall apply to taxable year 1999, and all successive tax years beginning on or after January 1, 1999.

SECTION 376. Sections 62, 63, 64, 65, 66, 67, 76 and 77 shall apply to tax year 1996 and all successive tax years beginning on or after January 1, 1996.

SECTION 377. Section 34 shall take effect on January 1, 2001.

SECTION 378. Sections 82 and 90 shall apply to tax years beginning on or after January 1, 2001.

SECTION 379. Sections 70, 71, 72 and 79 shall apply to taxable years beginning on or after January 1, 2001.

SECTION 380. Section 232 shall take effect on June 30, 2001.

SECTION 381. Sections 40 and 255 shall take effect on June 30, 1999.

SECTION 382. Sections 197, 198, 254 and 256 shall take effect on June 30, 2000.

SECTION 383. Sections 91 and 92 shall apply to tax years beginning on or after January 1, 2000.

SECTION 384. Section 281 shall take effect upon passage of this act.

SECTION 385. Section 149 shall take effect on November 30, 1999. The provisions of sections 23, 38, 151, 288 and 295 shall take effect on July 1, 2000.

SECTION 386. Sections 78 and 196 shall apply to tax years beginning on or after January 1, 1999.

SECTION 387. Section 80 shall apply to tax years beginning on or after January 1, 2001.

SECTION 388. Section 81 shall apply to tax years beginning on or after January 1, 2002.

SECTION 389. Section 213 shall not take effect until the secretary of the United State department of health and human services determines in response to the inquiry authorized in section 285 that the commonwealth may substitute education and training for any or all of the work requirements established pursuant to chapter 5 of the acts of 1995 and the personal responsibility and work opportunity reconciliation act of 1996.

SECTION 390. Except as otherwise provided, the provisions of this act shall take effect as of July 1, 1999.

This bill was returned on November 16, 1999, by the Governor to the House of Representatives, the branch in which said bill was originated, with his objections in writing to the following items therein:

Items Disapproved:

SECTION 2:

0511-0220 0526-0101 4000-0105 4000-1500 4130-1001

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4200-5150	4510-0160	4510-0791	5011-0250	7003-0900
7505-0101	7515-0129			

SECTIONS: 4, 13, 24, 40, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 60, 61, 62, 63, 65, 66, 76, 89, 95, 96, 97, 98, 99, 100, 101, 105, 107, 113, 115, 120, 128, 130, 133, 154, 158, 184, 186, 187, 190, 194, 201, 205, 206, 213, 215, 222, 225, 226, 255, 259, 261, 264, 265, 267, 272, 273, 282, 283, 284, 285, 303, 304, 305, 309, 310, 319, 321, 323, 324, 326, 327, 331, 332, 333, 335, 337, 338, 340, 342, 343, 345, 346, 347, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 363, 364, 365, 366, 368, 370, 381, 389

SECTION 2 *Items reduced in amount*

Item	Reduce by	Reduce to
0330-4100	713,000	287,000
0640-0045	699,719	8,085,917
0699-9101	4,000,000	76,000,000
1102-3204	7,000,000	7,000,000
1102-3206	500,000	1,172,185
1599-6898	6,500,000	21,500,000
2300-0101	95,597	422,270
4000-0122	225,000	1,775,000
4120-3000	510,523	8,330,747
4120-5050	1,000,000	1,000,000
4130-3200	5,000,000	94,243,124
4130-3300	4,383,034	154,515,735
4130-3700	3,303,294	15,768,108
4590-0250	10,000,000	12,800,000
4590-0450	2,500,000	2,500,000
4590-0451	3,250,000	3,250,000
4590-0914	3,500,000	3,500,000
5011-1102	2,000,000	2,000,000
5911-1102	1,100,000	1,100,000
7003-0601	1,370,000	1,680,000
7003-0701	3,985,333	14,014,667
7030-1000	10,107,878	109,582,893
7030-1002	3,000,000	17,820,000
7030-1003	1,000,000	4,500,000
7030-1004	1,000,000	2,000,000
7077-2000	2,000,000	2,000,000
7100-2000	2,000,000	2,000,000
7110-0100	205,272	23,369,690

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Item	Reduce by	Reduce to
7112-0100	232,358	19,422,403
7113-0100	102,294	11,867,797
7114-0100	468,349	29,970,769
7115-0100	364,747	19,137,049
7116-0100	108,146	18,902,922
7117-0100	127,709	12,356,527
7502-0100	49,819	8,241,927
7503-0100	328,966	12,952,681
7504-0100	190,982	9,617,030
7505-0100	80,400	7,761,455
7506-0100	278,170	14,320,336
7507-0100	263,198	12,232,794
7508-0100	328,854	16,964,779
7509-0100	301,729	9,827,395
7510-0100	272,075	16,072,369
7511-0100	155,141	16,061,215
7512-0100	359,817	12,030,232
7514-0100	470,358	20,783,142
7515-0100	38,617	9,543,621
7516-0100	337,685	16,252,533
7518-0100	209,549	16,711,365
8000-0100	300,000	20,160,000
8910-0000	1,800,000	160,338,534
8910-0107	546,434	40,499,006

SECTION 2 *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
0330-3200	1,125,000	39,523,035	“; provided further, that not more than 1,234 employees shall be funded from this item in fiscal year 2000”
0332-2100	6,772	1,955,456	“; provided, that funds shall be expended for purposes of promoting two administrative assistants to head administrative assistants to serve in the clerk's office in fiscal year 2000; and provided further, that not more than 44 employees shall be funded from this item in fiscal year 2000”

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Item	Reduce by	Reduce to	Wording Stricken
0332-2300	5,161	452,208	“; and provided further, that funds shall be expended from this line item for the purposes of promoting one probation officer-in-charge to chief probation officer in fiscal year 2000; and provided further, that not more than 7 employees shall be funded from this item in fiscal year 2000”
0332-2500	3,315	876,609	“; and provided further, that one probation officer shall be promoted to assistant chief probation officer in fiscal year 2000; and provided further, that not more than 22 employees shall be funded from this item in fiscal year 2000”
0332-5400	132,582	1,422,203	“; provided, that two additional assistant clerk magistrates shall be appointed and funded from this item in fiscal year 2000; and provided further, that not more than 36 employees shall be funded from this item in fiscal year 2000”
0332-7900	4,962	900,724	“that not more than 20 employees shall be funded from this item in fiscal year 2000; provided further,” and “; provided further, that one administrative assistant II shall be promoted to head administrative assistant; and provided further, that one probation officer shall be promoted to assistant chief probation officer in fiscal year 2000”
0337-0003	2,827,553	11,383,085	“; and provided further, that not more than 313 employees shall be funded from this item in fiscal year 2000”
0339-1002	8,262	9,095,863	“; provided, that funds shall be expended for the promotion of one procedure clerk to head proce-

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Item	Reduce by	Reduce to	Wording Stricken
			dures clerk and for the promotion of one administrative assistant to head administrative assistant in fiscal year 2000"
1100-1400	385,000	3,677,000	“; provided, that \$385,000 shall be expended for JFY.net, so-called, a Jobs for Youth initiative for high technology literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies”
1108-5200	25,000,000	544,877,508	“; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of said premiums and rates”
1150-5100	750,000	2,147,941	“; that no less than \$750,000 shall be expended in fiscal year 2000 for additional investigators, attorneys, conciliators and hearing officers for the exclusive purpose of reducing the backlog of cases pending before said commission; provided, further, that said commission shall comply with the requirements of section 325 of this act; provided further”
2200-0100	100,000	30,806,082	“; provided further, that \$50,000 shall be transferred from this item to the University of Massachusetts at Amherst soil and science department for the purpose of collecting data from, and evaluating innovative greywater recycling systems” and “; and provided further, that not less than \$50,000 shall be paid to the town of Clinton for the reconstruction and rehabilitation of the Burditt Hill water tank in the town of Clinton”

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Item	Reduce by	Reduce to	Wording Stricken
2320-0200	250,000	1,291,135	“; provided, that the amount necessary to construct a boat ramp in the town of Mattapoiset shall be expended from this item”
2330-0100	107,918	3,837,551	“; provided further, that not less than \$50,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties”
2440-0501	1,391,844	1,391,843	“; provided further, that \$300,000 shall be expended for improvement to and maintenance of Connell memorial rink; and provided further, that \$50,000 shall be expended for the design and repair of the historic one room schoolhouse at Moore State Park in the town of Paxton”
4401-1000	250,000	24,454,739	“ provided further, that not less than \$250,000 shall be expended for job training and job placement services for homeless individuals statewide through the MASS CAN program”
4403-2110	969,350	11,226,500	“; provided further, that notwithstanding the provisions of any general or special law or of this item to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth such proposed changes”
4512-0103	1,000,000	50,776,175	“; provided, that not less than \$300,000 shall be expended for the operation of a pilot program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS”

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Item	Reduce by	Reduce to	Wording Stricken
4513-1000	464,800	12,877,737	<p>“; provided, that not less than \$250,000 shall be expended for community-based prenatal outreach and education programs targeted to communities with severe infant mortality issues”</p> <p>and</p> <p>“; and provided further, that not less than \$200,000 shall be obligated for a contract with the Women Enjoying Longer Lives (WELL) program, so-called; and provided further, that not less than \$14,800 shall be allocated as a management incentive grant to the Franklin regional council of governments for costs associated with the regional public health agent pilot project, so-called, in Franklin county”</p>
4800-0018	110,000	37,479,123	<p>“; provided further, that the department shall expend \$110,000 to establish a pilot feasibility study, including not less than \$75,000 shall be expended for Latinas y Ninos and Casa Esperanza to explore family stabilization and reunification through expanded economic training opportunities and \$35,000 shall be expended for contracted services to be provided to the same for programmatic and capital development”</p>
6010-0001	1,350,000	56,025,080	<p>“; provided further, that the department shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile the monthly reports required pursuant to item 6000-0100 with respect to the statewide transportation improvement program (STIP) and chapter 90 programs, so-called; provided further, that the department shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile quarterly capital-funded personnel expenditure reports”</p>

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Item	Reduce by	Reduce to	Wording Stricken
			and “; provided further, that \$50,000 shall be expended for emergency signs for evacuation from Cape Cod in the case of emergencies; and provided further, that \$1,300,000 shall be expended to reimburse the town of Georgetown for projects undertaken pursuant to section 70 of chapter 11 of the acts of 1997 and section 2A of chapter 205 of the acts of 1996”
7003-0700	296,000	757,000	“; provided further, that no less than \$174,000 shall be expended for an incumbent worker training specialist within the Massachusetts AFL-CIO; provided further, that not less than \$122,000 shall be expended for AFL-CIO rapid response labor specialists”
7003-1000	165,000	2,410,000	“; provided further, that not less than \$165,000 shall be expended to fund a program at the Massachusetts AFL-CIO to support and coordinate labor representation on the regional employment boards in the state's workforce development system”
7004-0089	3,173,000	600,000	“; provided further, that \$336,000 shall be expended for the demolition or structural reinforcement of the Bolivar street public works garage in the town of Canton” and “; provided further, that not less than \$750,000 shall be expended for the demolition and development of property in the city of Lawrence; provided further, that not less than \$750,000 shall be expended for the demolition and site remediation of the Photech site building, so-called, in the town of Williamstown; provided

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Item	Reduce by	Reduce to	Wording Stricken
			further, that a grant for not less than \$75,000 shall be expended for phase one of the Acushnet Downtown Revitalization Project; provided further that said municipality shall provide a one third match” and “; and provided further, that a grant for not less than \$75,000 shall be given to the Town of Dartmouth for improvements, clean up and upgrading of the Ledge Property, so-called, and surrounding area”
7004-3036	40,000	406,000	“provided further, not less than \$40,000 shall be expended for one-time technical assistance for the Walden square apartment tenants in the city of Cambridge, so-called”
7007-0950	500,000	1,956,000	“; provided further, that \$500,000 of the amount appropriated herein shall be obligated for the costs of extending the hours of operation for highway tourist information centers operating year-round on state highways and federally-assisted highways, including the visitor information centers on Boston Common and at the Prudential Center, both in the city of Boston; provided further, that said office, in cooperation with the department of economic development, shall establish an application process which shall award not more than one grant to each highway tourist information center for the purpose of extending the operation of said centers to at least 10 p.m. during the tourism season”
7066-0000	20,000	2,277,373	and provided further, that not more than \$20,000 shall be expended for a study relative to the feasibility of establishing a branch campus in the city of Attleboro pursuant to section 354”

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Item	Reduce by	Reduce to	Wording Stricken
7118-0100	233,199	10,114,666	; and provided further, that not less than \$228,000 shall be expended for the establishment of an aquaculture program”
8324-1500	588,981	2,646,465	“; and provided further, that \$588,981 shall be used to provide for additional recruit fire training by adding a split days option”
8900-0015	40,000	730,000	“; and provided, that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester”
8950-0001	159,356	13,127,247	“; provided further, that the executive director of said board shall submit a report on the recidivism rate of all offenders remanded to the supervision of said board; provided further, that said report shall include data from fiscal years 1990 to 1999, inclusive; provided further, that said report shall be submitted to the house and senate committees on ways and means no later than February 1, 2000; and provided further, that no management level employee of said board shall receive an increase in pay until said report has been submitted”

SECTION 2 *Items reduced in amount and by striking the wording and inserting in place thereof the following:*

Item	Reduce by	Reduce to	Wording Stricken
0321-1600	350,906	3,752,323	“; provided further, that not less than \$850,906 shall be expended for the Medicare advocacy project”

Wording Inserted

“; provided further, that not less than \$500,000 shall be expended for the Medicare advocacy project”

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
4130-3500	250,000	1,656,666	<p>“; provided further, that \$200,000 shall be expended for child care services in the Chelsea trial court; and provided further, that \$300,000 shall be expended for child care services in the Brockton trial court”</p> <p><i>Wording Inserted</i></p> <p>“; provided further, that \$100,000 shall be expended for child care services in the Chelsea trial court; and provided further, that \$150,000 shall be expended for child care services in the Brockton trial court”</p>
4510-0710	1,161,048	6,003,528	<p><i>Wording Stricken</i></p> <p>“; provided further, that not less than \$1,452,548 shall be expended for the hire of an additional 25 full time equivalent investigators”</p> <p><i>Wording Inserted</i></p> <p>“; provided further, that not less than \$291,000 shall be expended for the hire of investigators”</p>
7070-0065	4,000,000	101,292,321	<p><i>Wording Stricken</i></p> <p>“; provided further, that not less than \$13,574,741 shall be expended for state college access grants”</p> <p><i>Wording Inserted</i></p> <p>“;provided further, that not less than \$9,574,741 shall be expended for state college access grants”</p>

SECTION 2 *Items disapproved by striking the wording:*

Item	Wording Stricken
0330-0300	“; provided further, that not more than 132 employees shall be funded from this item in fiscal year 2000”
0330-0317	“; provided, that not more than four employees shall be funded from this item in fiscal year 2000”
0330-0401	“three full-time equivalent”
0330-2000	“; and provided further, that not more than 46.1 full-time equivalent employees shall be funded from this item in fiscal year 2000”
0330-2205	“; provided, that not more than 400 employees shall be funded from this item in fiscal year 2000”
0330-2207	“; and provided further, that not more than 63 employees shall be funded from this item in fiscal year 2000”
0330-2410	“; provided further, that not more than eight employees shall be funded from this item in fiscal year 2000”
0330-3700	“; and provided further, that not more than ten employees shall be funded from this item in fiscal year 2000”
0331-0100	“; and provided further, that not more than 168 employees shall be funded from this item in fiscal year 2000”
0331-2100	“; and provided further, that not more than 14 employees shall be funded from this item in fiscal year 2000”
0331-2200	“; and provided further, that not more than six employees shall be funded from this item in fiscal year 2000”
0331-2300	“; and provided further, that not more than 23 employees shall be funded from this item in fiscal year 2000”
0331-2400	“; and provided further, that not more than three employees shall be funded from this item in fiscal year 2000”
0331-2500	“; and provided further, that not more than 42 employees shall be funded from this item in fiscal year 2000”
0331-2600	“; and provided further, that not more than eight employees shall be funded from this item in fiscal year 2000”

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Item	Wording Stricken
0331-2700	“; and provided further, that not more than 33 employees shall be funded from this item in fiscal year 2000”
0331-2800	“; and provided further, that not more than seven employees shall be funded from this item in fiscal year 2000”
0331-2900	“; and provided further, that not more than 94 employees shall be funded from this item in fiscal year 2000”
0331-3000	“; and provided further, that not more than two employees shall be funded from this item in fiscal year 2000”
0331-3100	“; provided further, that not more than 31 employees shall be funded from this item in fiscal year 2000”
0331-3200	“; and provided further, that not more than 33 employees shall be funded from this item in fiscal year 2000”
0331-3300	“; and provided further, that not more than 114 employees shall be funded from this item in fiscal year 2000”
0331-3400	“; and provided further, that not more than 49 employees shall be funded from this item in fiscal year 2000”
0331-3404	“; provided, that not more than six employees shall be funded from this item in fiscal year 2000”
0331-3500	“; and provided further, that not more than 29 employees shall be funded from this item in fiscal year 2000”
0332-0100	“; provided, that not more than 26 employees shall be funded from this item in fiscal year 2000”
0332-1100	“; provided, that not more than 43 employees shall be funded from this item in fiscal year 2000”
0332-1200	“; and provided further that not more than 28 employees shall be funded from this item in fiscal year 2000”
0332-1203	“; provided further, that not more than 25 employees shall be funded from this item in fiscal year 2000”
0332-1300	“; provided, that not more than 14 employees shall be funded from this item in fiscal year 2000”
0332-1400	“; provided, that not more than 30 employees shall be funded from this item in fiscal year 2000”

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Item	Wording Stricken
0332-1500	“; and provided further, that not more than 11 employees shall be funded from this item in fiscal year 2000”
0332-1600	“; provided, that not more than 51 employees shall be funded from this item in fiscal year 2000”
0332-1700	“; provided further, that not more than 64 employees shall be funded from this item in fiscal year 2000”
0332-1800	“; provided, that not more than 71 employees shall be funded from this item in fiscal year 2000”
0332-1900	“; provided, that not more than 29 employees shall be funded from this item in fiscal year 2000”
0332-2000	“; provided, that not more than seven employees shall be funded from this item in fiscal year 2000”
0332-2400	“; and provided further, that not more than 44 employees shall be funded from this item in fiscal year 2000”
0332-2600	“; and provided further, that not more than 86 employees shall be funded from this item in fiscal year 2000”
0332-2700	“; and provided further, that not more than 72 employees shall be funded from this item in fiscal year 2000”
0332-2800	“; provided, that not more than 37 employees shall be funded from this item in fiscal year 2000”
0332-2900	“; provided, that not more than 30 employees shall be funded from this item in fiscal year 2000”
0332-3000	“; and provided further, that not more than 30 employees shall be funded from this item in fiscal year 2000”
0332-3100	“; and provided further, that not more than 14 employees shall be funded from this item in fiscal year 2000”
0332-3200	“; provided, that not more than 25 employees shall be funded from this item in fiscal year 2000”
0332-3300	“; and provided further, that not less than 29 employees shall be funded from this item in fiscal year 2000”
0332-3400	“; provided, that not more than 17 employees shall be funded from this item in fiscal year 2000”

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Item	Wording Stricken
0332-3500	“; provided, that not more than 103 employees shall be funded from this item in fiscal year 2000”
0332-3600	“; provided, that not more than 20 employees shall be funded from this item in fiscal year 2000”
0332-3700	“; provided, that not more than 41 employees shall be funded from this item in fiscal year 2000”
0332-3800	“; provided, that not more than 13 employees shall be funded from this item in fiscal year 2000”
0332-3900	“; provided, that not more than 83 employees shall be funded from this item in fiscal year 2000”
0332-4000	“; and provided further, that not more than 66 employees shall be funded from this item in fiscal year 2000”
0332-4100	“; provided, that not more than 22 employees shall be funded from this item in fiscal year 2000”
0332-4200	“; provided, that not more than 26 employees shall be funded from this item in fiscal year 2000”
0332-4300	“; provided, that not more than 17 employees shall be funded from this item in fiscal year 2000”
0332-4400	“; provided, that not more than 51 employees shall be funded from this item in fiscal year 2000”
0332-4500	“; provided, that not more than 38 employees shall be funded from this item in fiscal year 2000”
0332-4600	“; provided, that not more than 81 employees shall be funded from this item in fiscal year 2000”
0332-4700	“; provided, that not more than 53 employees shall be funded from this item in fiscal year 2000”
0332-4800	“; provided, that not more than 29 employees shall be funded from this item in fiscal year 2000”
0332-4900	“; provided, that not more than 51 employees shall be funded from this item in fiscal year 2000”

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Item	Wording Stricken
0332-5000	“; provided, that not more than 30 employees shall be funded from this item in fiscal year 2000”
0332-5100	“; provided, that not more than five employees shall be funded from this item in fiscal year 2000”
0332-5200	“; provided, that not more than 50 employees shall be funded from this item in fiscal year 2000”
0332-5300	“; provided, that not more than 113 employees shall be funded from this item in fiscal year 2000”
0332-5500	“; provided, that not more than 36 employees shall be funded from this item in fiscal year 2000”
0332-5600	“; provided further, that not more than 19 employees shall be funded from this item in fiscal year 2000”
0332-5700	“; provided, that not more than 79 employees shall be funded from this item in fiscal year 2000”
0332-5800	“; provided, that not more than 46 employees shall be funded from this item in fiscal year 2000”
0332-5900	“; provided further, that the temporary assistant clerk magistrate shall be made the permanent assistant clerk magistrate; and provided further, that not more than 44 employees shall be funded from this item in fiscal year 2000”
0322-6000	“; and provided further, that not more than 39 employees shall be funded from this item in fiscal year 2000”
0332-6100	“; provided, that not more than 28 employees shall be funded from this item in fiscal year 2000”
0332-6200	“; and provided further, that not more than 16 employees shall be funded from this item in fiscal year 2000”
0332-6300	“; that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that not more than 54 employees shall be funded from this item in fiscal year 2000; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court; and provided further”

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Item	Wording Stricken
0332-6400	“; provided further, that not more than 110 employees shall be funded from this item in fiscal year 2000”
0332-6500	“; provided, that not more than 39 employees shall be funded from this item in fiscal year 2000”
0332-6600	“; and provided, that not more than 85 employees shall be funded from this item in fiscal year 2000; and provided further, that all funded slots shall be filled during the fiscal year 2000”
0332-6700	“; and provided further, that not more than 22 employees shall be funded from this item in fiscal year 2000”
0332-6800	“; and provided further, that not more than 53 employees shall be funded from this item in fiscal year 2000; and provided further, that all funded slots are filled during fiscal year 2000”
0332-6900	“; provided, that not more than 102 employees shall be funded from this item in fiscal year 2000”
0332-7000	“; provided, that not more than 31 employees shall be funded from this item in fiscal year 2000”
0332-7100	“; and provided further, that not more than 23 employees shall be funded from this item in fiscal year 2000”
0332-7200	“; provided, that not more than five employees shall be funded from this item in fiscal year 2000”
0332-7300	“; and provided further that not more than 27 employees shall be funded from this item in fiscal year 2000”
0332-7400	“; provided, that not more than 28 employees shall be funded from this item in fiscal year 2000”
0332-7500	“; provided further, that not more than 15 employees shall be funded from this item in fiscal year 2000”
0332-7600	“; provided, that not more than 30 employees shall be funded from this item in fiscal year 2000”
0332-7700	“; and provided, that not more than 21 employees shall be funded from this item in fiscal year 2000”
0332-7800	“; provided, that not more than 22 employees shall be funded from this item in fiscal year 2000”

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Item	Wording Stricken
0333-0002	“; and provided further, that not more than 38 employees shall be funded from this item in fiscal year 2000”
0333-0100	“; and provided further, that not more than 32 employees shall be funded from this item in fiscal year 2000”
0333-0200	“; and provided further, that not more than 19 employees shall be funded from this item in fiscal year 2000”
0333-0300	“; and provided further, that not more than 58 employees shall be funded from this item in fiscal year 2000”
0333-0400	“; provided, that not more than six employees shall be funded from this item in fiscal year 2000”
0333-0500	“; that not more than 60 employees shall be funded from this item in fiscal year 2000; and provided further”
0333-0600	“; and provided, further; that not more than 18 employees shall be funded from this item in fiscal year 2000”
0333-0700	“; and provided further, that not more than 69 employees shall be funded from this item in fiscal year 2000”
0333-0800	“; provided, that not more than 19 employees shall be funded from this item in fiscal year 2000”
0333-0900	“; provided, that not more than 118 employees shall be funded from this item in fiscal year 2000”
0333-0911	“; provided, that not more than nine employees shall be funded from this item in fiscal year 2000”
0333-1000	“; provided, that not more than three employees shall be funded from this item in fiscal year 2000”
0333-1100	“; provided, that not more than 67 employees shall be funded from this item in fiscal year 2000”
0333-1111	“; provided, that not more than four employees shall be funded from this item in fiscal year 2000”
0333-1200	“; and provided further, that not more than 60 employees shall be funded from this item in fiscal year 2000”
0333-1300	“; and provided, further, that not more than 88 employees shall be funded from this item in fiscal year 2000”

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Item	Wording Stricken
0333-1313	“; and provided, that not more than nine employees shall be funded from this item in fiscal year 2000”
0333-1400	“; and provided, further, that not more than 61 employees shall be funded from this item in the fiscal year 2000”
0334-0001	“; provided, that not more than 60 employees shall be funded from this item in fiscal year 2000”
0335-0001	“; and provided further, that not more than 175 employees shall be funded from this item in fiscal year 2000”
0336-0002	“; provided further, that not more than two employees shall be funded from this item in fiscal year 2000”
0336-0100	“; provided, that not more than 26 employees shall be funded from this item in fiscal year 2000”
0336-0200	“; provided, that not more than 13 employees shall be funded from this item in fiscal year 2000”
0336-0300	“; provided, that not more than nine employees shall be funded from this item in fiscal year 2000”
0336-0400	“; and provided further, that not more than 25 employees shall be funded from this item in fiscal year 2000”
0336-0500	“; provided, that not more than 17 employees shall be funded from this item in fiscal year 2000”
0337-0002	“; and provided further, that not more than 25 employees shall be funded from this item in fiscal year 2000”
0337-0100	“; provided, that not more than 89 employees shall be funded from this item in fiscal year 2000”
0337-0200	“; provided, that not more than 62 employees shall be funded from this item in fiscal year 2000”
0337-0300	“; provided, that not more than 60 employees shall be funded from this item in fiscal year 2000”
0337-0400	“; and provided further, that not more than 35 employees shall be funded from this item in fiscal year 2000”

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Item	Wording Stricken
0337-0500	“; provided, that not more than 45 employees shall be funded from this item in fiscal year 2000”
0339-1003	“; and provided further, that not more than 65 employees shall be funded from this item in fiscal year 2000”
0610-0100	“; provided that said fees shall not be paid through compensating balances, so-called”
4000-0300	“; provided further, that the federal financial participation received from claims filed by the division for the costs of outreach and eligibility activities performed at certain hospitals and funded in part or in whole by federally permissible provider donations and from hospitals, shall be credited to this item and may be expended without further appropriation and an amount specified in an agreement between the division and each donating provider hospital shall be paid from this item to each hospital, which amount shall be in proportion to each hospital's donated amount; provided further, that the federal financial participation received from claims filed by the division for the costs of outreach and eligibility activities performed at certain hospitals and federally-qualified community health centers and funded in part or in whole by federally permissible provider donations from said hospitals and health centers, shall be credited to this item and may be expended without further appropriation, and an amount specified in an agreement between the division and each donating provider hospital and health center shall be paid from this item to each hospital and health center, which amount shall be in proportion to each hospital's and health center's donated amount; and provided further, that the costs of outreach and eligibility activities performed by covering kids initiative, so-called, and funded in part or in whole by federally permissible donations from said organizations, shall be credited to this item and may be expended without further appropriation”
4403-2000	“; provided further, that the department of transitional assistance shall study the policy and fiscal impacts of providing homeless families, whose benefits are reduced because they reside in shelters, a relocation benefit for expenses related to securing permanent housing equal to the amount by which benefits were reduced

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Item	Wording Stricken
	while they were in shelter or the amount provided by department regulations as of April 29, 1999 for said purposes, whichever is greater; provided further, that the study shall be submitted to the house and senate committees on ways and means not later than March 1, 2000"
4403-2002	“; provided further, that the department of transitional assistance shall study the policy and fiscal impacts of providing homeless families whose benefits are reduced because they reside in shelters a relocation benefit for expenses related to securing permanent housing equal to the amount by which benefits were reduced while they were in shelter or the amount provided by department regulations as of April 29, 1999 for said purposes, whichever is greater; provided further, that the study shall be submitted to the house and senate committees on ways and means not later than March 1, 2000"
4403-2120	“; provided further, that notwithstanding the provisions of any general or special law or this item to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representative and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth such proposed changes"
4406-3000	“; provided further, that the department shall develop, but not implement without further legislative authorization, a uniform class rate system for the cost effective delivery and reimbursements of said services pursuant to the provisions of section 284 of this act"
4512-0200	“; provided further, that no additional methadone clinic or facility dispensing methadone shall be located in any city or town in which there is an existing such clinic or facility, without first receiving the approval of the city council and mayor in a city, the city council in a Plan E city or the board of selectmen or town council in a town"
4513-1020	“; provided further, that the department shall fund not less than 39 full-time equivalent employees for said program"

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“; provided further that said office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program (STIP), so-called, including, but not limited to, the location of said projects, the cost of said projects, the date of advertisement of said projects, the commencement date of said projects, the projected completion date of said projects, and the source of funds for said projects; provided further, that said office shall also provide said committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims, or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by said secretary to obtain the necessary information to produce said reports; and provided further, that said reports shall include, but not be limited to, the cost of said projects by city or town, the source of funding of said projects by city or town, and the commencement and completion dates of said projects by city or town; provided further, that said office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that said reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that said reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to said funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that said reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that said reports shall list all employees who are paid from items 6000-0100, 6005-0011, 6010-0001, 6010-1000, and 6006-0003 who also receive payments from any capital funds; provided further, that said reports shall include for each of said employees how much money said employees receive from said

Item	Wording Stricken
	line items and how much money each employee receives from any capital funds; and provided further, that said reports shall delineate said information for full time employees, part-time employees and contracted personnel; and provided further, that the executive office is hereby authorized and directed to conduct a study of the available methods to design and construct sound barriers along the Massachusetts turnpike as determined necessary by the Massachusetts Turnpike Authority Priority Results, in the city of Newton and the costs associated with such construction"
6005-0011	"; provided further, that operating expenditures of said authority for calendar year 2000 shall not exceed 103 per cent of its operating expenditures for calendar year 1999"
7004-9004	"; provided further, that, notwithstanding the provisions of any general or special law to the contrary, households shall not be eligible for public housing within two years of the date of making said transistion"
7006-0000	" , that said director shall submit to the house and senate committees on ways and means documentation detailing the purpose, current fiscal year cost and annualization costs for supplemental budget requests for said office of the director or any office or agency under its administration within five days of the filing of any such supplemental request by the governor; and provided further"
7006-0010	"; provided that, notwithstanding the provisions of any general or special law to the contrary, the commissioner of said office is hereby authorized and directed to levy in said fiscal year a one-time special assessment in the amount of \$277,000 which shall recover the overtime costs associated with financial institution examinations relative to the year 2000 readiness examination procedures, so-called; and provided further, that recovery of said overtime costs shall be made against all banking and financial institutions subject to said examination"
7007-0300	"at an office to be located at the university of Massachusetts Dartmouth"
7007-0900	"; provided further, that not more than \$2,000,000 of the amount appropriated herein shall be expended for international marketing and tourism promotion and administration"

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Item	Wording Stricken
8400-0001	“; provided further, that said registry shall establish and operate a license express office, so-called, in the city of Lynn”
8900-0002	“; provided further, that the commissioner of the department shall submit a report on the recidivism rate of offenders who have been, or currently are, incarcerated in said department; provided further, that said report shall include data from fiscal years 1990 to 1999, inclusive; provided further, that said report shall include information regarding recidivism rates by program and facility; and provided further, that said report shall be submitted to the house and senate committees on ways and means no later than February 29, 2000”
8900-0004	“; and provided further, that said report shall detail the costs incurred and services utilized, by funding source, resulting from implementation of the recommendations in the report dated January 31, 1997 and prepared by the university of Massachusetts medical center relative to the management of inmate psychiatric services known as the Salvi recommendations”

SECTION 2 *Items reduced in amount and disapproved by striking the wording and the corresponding Non-Recurring Chapter 70 School Aid amounts in Section 3:*

Item	Reduce by	Reduce to	Wording Stricken
7061-0008	32,259,702	2,728,502,772	“; provided further, that of the amount appropriated herein, \$32,259,702 shall be allocated for one-time, nonrecurring payments to certain cities, towns and regional school districts; provided further, that said non-recurring payments shall be distributed according to the allocation schedule set forth in section 3 of this act; provided further, that no funds distributed from said payments shall be considered base aid nor used in the calculation of minimum required local contribution for fiscal year 2001 or any other fiscal year”

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SECTION 2 *Item reduced in amount and disapproved by striking the wording and the corresponding 7061-0008 Chapter 70 School Aid amounts in Section 3:*

Item	Reduce by	Reduce to	Wording Stricken
7061-0008	61,704,667	2,666,798,105	“; provided further, that notwithstanding the provisions of any general or special law to the contrary, no school district shall receive less than \$150 per student in chapter 70 aid, so-called, in fiscal year 2000; provided further, that said aid shall be in addition to the \$100 per student aid authorized and made available in item 70610008 of section 2 of chapter 194 of the acts of 1998”

	7061-0008 Chapter 70 School Aid
Municipality	
ABINGTON	5,698,397
ACTON	1,812,478
ACUSHNET	4,411,660
AGAWAM	10,497,245
AMESBURY	8,960,350
AMHERST	5,337,146
ANDOVER	4,480,542
ARLINGTON	4,754,948
ASHFIELD	101,898
ASHLAND	1,739,918
ATTLEBORO	21,075,709
AUBURN	3,587,420
AVON	528,015
AYER	4,071,973
BARNSTABLE	4,914,908
BARRE	7,626
BECKET	42,918
BEDFORD	1,647,580
BELCHERTOWN	6,813,077
BELLINGHAM	6,631,607
BELMONT	2,622,694
BERKLEY	3,627,764
BERLIN	375,454

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	7061-0008
	Chapter 70
Municipality	School Aid
BEVERLY	6,150,802
BILLERICA	12,714,624
BLACKSTONE	81,318
BOSTON	180,022,717
BOURNE	2,605,266
BOXBOROUGH	713,891
BOXFORD	1,292,665
BOYLSTON	330,586
BRAINTREE	4,104,994
BREWSTER	540,226
BRIDGEWATER	89,831
BRIMFIELD	995,975
BROCKTON	90,559,411
BROOKFIELD	1,479,701
BROOKLINE	4,391,563
BURLINGTON	3,317,858
CAMBRIDGE	6,465,944
CANTON	2,266,374
CARLISLE	502,831
CARVER	8,094,797
CHARLEMONT	58,049
CHATHAM	379,230
CHELMSFORD	6,042,950
CHELSEA	34,936,817
CHESHIRE	247,923
CHESTERFIELD	96,724
CHICOPEE	32,200,361
CLARKSBURG	1,191,751
CLINTON	7,900,531
COHASSET	1,076,634
CONCORD	1,398,098
CONWAY	539,033
CUMMINGTON	29,452
DALTON	279,165
DANVERS	2,962,816
DARTMOUTH	5,720,348
DEDHAM	2,763,771

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	7061-0008
	Chapter 70
Municipality	School Aid
DEERFIELD	604,419
DOUGLAS	4,336,326
DOVER	274,764
DRACUT	11,666,165
DUXBURY	2,412,522
EAST BRIDGEWATER	7,843,364
EAST BROOKFIELD	12,935
EASTHAM	221,330
EASTHAMPTON	6,720,608
EAST LONGMEADOW	2,974,128
EASTON	5,523,947
EDGARTOWN	289,298
ERVING	237,013
ESSEX	669,379
EVERETT	14,090,652
FAIRHAVEN	6,152,611
FALL RIVER	75,181,198
FALMOUTH	3,902,242
FITCHBURG	30,104,969
FLORIDA	469,975
FOXBOROUGH	5,622,551
FRAMINGHAM	6,629,403
FRANKLIN	15,532,642
FREETOWN	860,101
GARDNER	13,584,112
GEORGETOWN	2,271,458
GLOUCESTER	5,000,883
GOSHEN	21,641
GOSNOLD	2,500
GRAFTON	4,407,608
GRANBY	2,356,897
GRANVILLE	595,362
GREENFIELD	8,679,442
HADLEY	511,188
HALIFAX	2,119,696
HANCOCK	82,264
HANOVER	2,900,759

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Municipality	7061-0008 Chapter 70 School Aid
HARDWICK	134,231
HARVARD	1,061,218
HARWICH	1,218,860
HATFIELD	553,734
HAVERHILL	30,530,190
HAWLEY	13,103
HINGHAM	3,047,997
HINSDALE	34,802
HOLBROOK	3,942,101
HOLDEN	28,739
HOLLAND	626,030
HOLLISTON	6,001,846
HOLYOKE	56,463,750
HOPEDALE	3,829,287
HOPKINTON	2,023,471
HUDSON	5,387,409
HULL	3,898,375
IPSWICH	1,760,253
KINGSTON	2,334,760
LAKEVILLE	1,797,500
LANESBOROUGH	503,256
LAWRENCE	94,502,426
LEE	1,468,303
LEICESTER	7,347,267
LENOX	1,121,567
LEOMINSTER	27,238,603
LEVERETT	199,885
LEXINGTON	4,377,106
LINCOLN	399,180
LITTLETON	1,066,227
LONGMEADOW	3,198,988
LOWELL	90,594,602
LUDLOW	8,512,445
LUNENBURG	2,828,948
LYNN	76,116,906
LYNNFIELD	1,573,025
MALDEN	18,639,402

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	7061-0008
	Chapter 70
Municipality	School Aid
MANCHESTER	647,048
MANSFIELD	6,679,209
MARBLEHEAD	2,172,379
MARION	275,055
MARLBOROUGH	4,003,369
MARSHFIELD	10,332,643
MASHPEE	2,174,086
MATTAPOISETT	403,068
MAYNARD	2,040,518
MEDFIELD	1,887,678
MEDFORD	11,189,941
MEDWAY	4,624,490
MELROSE	5,102,518
METHUEN	19,779,770
MIDDLEBOROUGH	12,636,737
MIDDLETON	768,969
MILFORD	10,157,503
MILLBURY	4,438,457
MILLIS	1,621,078
MILLVILLE	16,598
MILTON	2,823,664
MONROE	29,875
MONSON	4,864,799
MOUNT WASHINGTON	8,616
NAHANT	344,279
NANTUCKET	657,035
NATICK	3,573,989
NEEDHAM	3,303,498
NEW ASHFORD	18,245
NEW BEDFORD	84,386,683
NEWBURYPORT	2,872,265
NEWTON	8,559,091
NORFOLK	2,485,779
NORTH ADAMS	12,121,748
NORTHAMPTON	6,660,479
NORTH ANDOVER	3,348,287
NORTH ATTLEBOROUGH	12,025,036

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	7061-0008
	Chapter 70
Municipality	School Aid
NORTHBOROUGH	1,978,002
NORTHBRIDGE	9,570,163
NORTH BROOKFIELD	3,493,796
NORTH READING	2,095,079
NORTON	8,271,904
NORWELL	1,678,254
NORWOOD	3,171,502
OAK BLUFFS	266,210
OAKHAM	53,045
ORANGE	5,085,106
ORLEANS	197,765
OXFORD	7,267,251
PALMER	8,680,353
PAXTON	12,146
PEABODY	12,193,412
PELHAM	96,575
PEMBROKE	4,067,326
PERU	38,616
PETERSHAM	154,299
PITTSFIELD	26,056,587
PLAINFIELD	50,885
PLAINVILLE	1,696,673
PLYMOUTH	17,582,868
PLYMPTON	478,793
PROVINCETOWN	240,655
QUINCY	12,215,240
RANDOLPH	9,542,435
RAYNHAM	375
READING	4,557,198
REVERE	20,143,562
RICHMOND	313,153
ROCHESTER	570,239
ROCKLAND	9,090,842
ROCKPORT	1,116,622
ROWE	37,240
RUTLAND	256,642
SALEM	10,523,430

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	7061-0008
	Chapter 70
Municipality	School Aid
SANDWICH	3,404,705
SAUGUS	3,305,281
SAVOY	332,267
SCITUATE	2,811,582
SEEKONK	2,890,667
SHARON	3,529,329
SHERBORN	286,696
SHIRLEY	3,014,315
SHREWSBURY	5,256,914
SHUTESBURY	470,427
SOMERSET	2,214,003
SOMERVILLE	22,189,444
SOUTHAMPTON	1,728,592
SOUTHBOROUGH	853,298
SOUTHBRIDGE	12,172,354
SOUTH HADLEY	5,435,848
SPENCER	161,086
SPRINGFIELD	178,678,726
STONEHAM	2,304,809
STOUGHTON	7,543,401
STURBRIDGE	980,136
SUDBURY	1,765,021
SUNDERLAND	628,383
SUTTON	3,341,422
SWAMPSCOTT	1,740,804
SWANSEA	4,263,164
TAUNTON	31,131,372
TEWKSBURY	8,973,391
TISBURY	245,610
TOPSFIELD	446,894
TRURO	180,476
TYNGSBOROUGH	4,593,087
TYRINGHAM	23,975
UXBRIDGE	6,522,294
WAKEFIELD	3,801,943
WALES	597,644
WALPOLE	3,766,484

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	7061-0008
	Chapter 70
Municipality	School Aid
WALTHAM	5,772,701
WARE	6,264,052
WAREHAM	10,088,856
WASHINGTON	14,418
WATERTOWN	2,293,387
WAYLAND	2,021,924
WEBSTER	6,474,504
WELLESLEY	2,674,719
WELLFLEET	108,240
WESTBOROUGH	2,296,274
WEST BOYLSTON	1,533,142
WEST BRIDGEWATER	1,665,750
WESTFIELD	23,654,109
WESTFORD	4,231,166
WESTHAMPTON	248,296
WESTON	1,136,408
WESTPORT	2,845,587
WEST SPRINGFIELD	10,988,926
WESTWOOD	1,847,202
WEYMOUTH	16,815,107
WHATELY	85,633
WILLIAMSBURG	364,902
WILLIAMSTOWN	895,560
WILMINGTON	2,901,129
WINCHENDON	8,511,561
WINCHESTER	2,785,560
WINDSOR	3,827
WINTHROP	4,170,728
WOBURN	4,021,220
WORCESTER	128,086,963
WRENTHAM	2,854,635

Regional School

ACTON BOXBOROUGH	2,688,842
ADAMS CHESHIRE	8,888,371
AMHERST PELHAM	7,120,479

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	7061-0008
	Chapter 70
Municipality	School Aid
ASHBURNHAM WESTMINSTER	7,692,163
ASSABET VALLEY	2,873,388
ATHOL ROYALSTON	14,521,620
BERKSHIRE HILLS	2,903,840
BERLIN BOYLSTON	788,484
BLACKSTONE MILLVILLE	9,421,272
BLACKSTONE VALLEY	5,262,281
BLUE HILLS	3,350,871
BRIDGEWATER RAYNHAM	16,599,931
BRISTOL COUNTY	1,351,078
BRISTOL PLYMOUTH	4,914,369
CAPE COD	1,820,631
CENTRAL BERKSHIRE	6,961,462
CHESTERFIELD GOSHEN	547,254
CONCORD CARLISLE	1,432,158
DENNIS YARMOUTH	6,102,973
DIGHTON REHOBOTH	9,293,336
DOVER SHERBORN	1,129,220
DUDLEY CHARLTON	14,899,723
ESSEX COUNTY	3,547,585
FARMINGTON RIVER	350,163
FRANKLIN COUNTY	2,076,210
FREETOWN LAKEVILLE	4,861,467
FRONTIER	1,279,451
GATEWAY	6,412,108
GILL MONTAGUE	5,856,008
GREATER FALL RIVER	9,977,702
GREATER LAWRENCE	11,646,201
GREATER LOWELL	14,069,107
GREATER NEW BEDFORD	15,680,007
GROTON DUNSTABLE	5,919,183
HAMILTON WENHAM	2,870,498
HAMPDEN WILBRAHAM	7,645,327
HAMPSHIRE	1,899,889
HAWLEMONT	652,305
KING PHILIP	4,140,887
LINCOLN SUDBURY	1,741,027

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Municipality	7061-0008 Chapter 70 School Aid
MARTHAS VINEYARD	790,540
MASCONOMET	2,243,619
MENDON UPTON	3,952,277
MINUTEMAN	2,302,003
MOHAWK TRAIL	6,627,424
MONTACHUSETT	6,522,098
MOUNT GREYLOCK	1,850,580
NARRAGANSETT	6,650,379
NASHOBA	5,654,454
NASHOBA VALLEY	2,087,693
NAUSET	3,289,251
NEW SALEM WENDELL	675,972
NORFOLK COUNTY	687,541
NORTH MIDDLESEX	18,667,954
NORTH SHORE	1,479,141
NORTHAMPTON SMITH	820,992
NORTHBORO SOUTHBORO	1,457,594
NORTHEAST METROPOLITAN	6,062,237
NORTHERN BERKSHIRE	2,700,574
OLD COLONY	2,026,693
OLD ROCHESTER	1,461,360
PATHFINDER	2,134,512
PENTUCKET	9,982,556
PIONEER	3,339,893
QUABBIN	11,645,690
QUABOAG	6,870,781
RALPH C MAHAR	3,265,967
SHAWSHEEN VALLEY	3,378,486
SILVER LAKE	9,469,483
SOUTH MIDDLESEX	2,473,447
SOUTH SHORE	1,911,352
SOUTHEASTERN	8,031,983
SOUTHERN BERKSHIRE	1,835,300
SOUTHERN WORCESTER	4,302,578
SOUTHWICK TOLLAND	6,242,144
SPENCER EAST BROOKFIELD	10,123,824
TANTASQUA	5,427,862

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	Chapter 70
Municipality	School Aid
TRI COUNTY	3,191,958
TRITON	7,358,952
UPISLAND	833,904
UPPER CAPE COD	1,647,576
WACHUSETT	15,508,584
WHITMAN HANSON	17,617,981
WHITTIER	4,924,973

Pursuant to Article 56 of the Amendments to the Constitution, Sections 52 and 102, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.

The remainder of the bill was approved by the Governor November 16, 1999 at five o'clock and three minutes, P.M.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on November 17, 1999 in the House of Representatives and on November 17, 1999 the Senate passed the following Sections:

SECTION 2, Items: 0330-4100, 0332-5900, 0337-0003, 0526-0101, 1100-1400, 1102-3204, 1102-3206, 1108-5200, 1599-6898, 2200-0100, 2300-0101, 2320-0200, 2440-0501, 4000-1500, 4130-1001, 4200-5150, 4510-0160, 4510-0710, 4510-0791, 4512-0103, 4590-0250, 4590-0450, 4590-0451, 4590-0914, 4800-0018, 5011-1102, 5911-1102, 6000-0100, 7003-0601, 7004-0089, 7004-3036, 7007-0300, 7007-0950, 7077-2000, 7100-2000, 7110-0100, 7112-0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100, 7118-0100, 8000-0010, 8324-1500, 8400-0001, 8900-0002, 8900-0015, 8910-0107; item 7061-0008 and the corresponding Chapter 70 School Aid of Section 3; item 7061-0008 and the corresponding Non-Recurring Chapter 70 School Aid of Section 3; **SECTIONS 24, 51, 107, 115, 133, 215, 259, 264, 272, 303, 310, 338, 343, 350, 351, 352.**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on November 17, 1999 in the House of Representatives and on November 18, 1999 the Senate passed the following Sections:

SECTION 2, Items: 1150-5100, 4000-0122, 4401-1000, 7066-0000; **SECTIONS: 267, 333, 349.**

**Chapter 128. AN ACT AUTHORIZING THE TOWN OF WAYLAND TO CONVEY
A CERTAIN CONSERVATION EASEMENT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Wayland, acting by and through the board of selectmen, may convey to Joseph Ping Jiang and Carol Tsung, and their successors and assigns, a certain portion of the conservation easement, as shown on a plan entitled "Plan of Land Showing Modification of Conservation Restriction as 15 Hobbs Road, Wayland, Mass.", dated August 29, 1994, revised November 25, 1997 and December 12, 1997, by Mass Bay Survey, Inc., the aforementioned portion being shown on the plan as "To be removed from easement". The area to be removed consists of 4,176 square feet of land.

SECTION 2. In consideration of the conveyance authorized by section 1, Joseph Ping Jiang and Carol Tsung Yi Mai shall convey to the town by deed a new conservation easement, as shown on the plan as "To be added to easement". The area to be added consists of 4,176 square feet of land.

SECTION 3. This act shall take effect upon its passage.

Approved November 17, 1999.

**Chapter 129. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET
MANAGEMENT AND MAINTENANCE TO RELEASE CERTAIN
EASEMENTS IN THE TOWN OF READING.**

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance, notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws may release, to the town of Reading, portions of two easements in land located in the town of Reading which were acquired by the department of public works under section 3 of chapter 458 of the acts of 1939 and chapter 79 of the General Laws which are currently under the care and control of the department of environmental management. The easements are recorded in the Middlesex south district registry of deeds in book 6695, pages 502 to 504 and book 6666, pages 123 to 129. The easements are referred to in the plans of the takings as parcel 51 and parcel 47. The portions of the easements to be released are described as follows:

Easement A, Parcel 51, so-called, as described on six plan sheets of Plan #290(A-F of 15) of 1943; Station 74+15± to station 85+93.4 (sheets A, B, and C); Station 276+00 to station 280+38± (sheets C and F);

Easement B, Parcel 47, so-called, as described on one plan sheet of Plan #76(C of 6) of 1943; Station 72+33± to station 74+15±.

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SECTION 2. The town of Reading shall pay all expenses associated with the release of the easements authorized by this act, including the cost of any appraisals, survey and title examination. The commonwealth shall have no further responsibilities or liability in connection with the release of the easements.

Approved November 17, 1999.

Chapter 130. AN ACT VALIDATING THE ACTIONS TAKEN AT AN ANNUAL TOWN MEETING OF THE TOWN OF BLACKSTONE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or by-law to the contrary, the acts and proceedings taken by the town of Blackstone at its annual town meeting held on May 26, 1998 are hereby ratified, validated and confirmed to the same extent as if notice of such meeting had been posted and published in full compliance with law.

SECTION 2. This act shall take effect upon its passage.

Approved November 17, 1999.

Chapter 131. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT AN EASEMENT IN A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance is hereby authorized and directed, notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, grant to those abutters of Carver street and Townsend Place referenced in the department of public works Order of Taking recorded with Suffolk district registry of deeds in Book 14067, Page 29, their successors and assigns in this act referred to as the abutters, an easement for vehicular and pedestrian access, for all purposes for which public and private streets and ways are used in the city of Boston, in, over and through but not under: (i) the certain parcel of land within the city of Boston identified as "Proposed MTHB Service Court"; and (ii) the land owned by the commonwealth formerly part of Carver street, together, the easement area, all as shown on a plan entitled "The Commonwealth of Massachusetts, Plan of Land in the City of Boston, Suffolk County, showing location of the Department of Transportation Building Site, October 26, 1983, scale: 40 feet to the inch", said plan being recorded with Suffolk district registry of deeds in Book

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10640, page 159. The exact boundaries of the easement shall be determined by the commissioner after completion of a survey.

SECTION 2. The commissioner of capital asset management and maintenance shall include in the instruments or agreements granting the easement authorized by this act reasonable provisions regarding coordination and cooperation between the abutters and the division and its master tenant with respect to operations within the easement area and such other provision as may be reasonably necessary to protect the condition, operation, function of the state transportation building and other property of the commonwealth. Said commissioner shall submit the instrument and any subsequent amendments thereof to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days prior to execution.

SECTION 3. The consideration to be paid by the abutters for the easement shall be the full market value thereof as determined by the commissioner based upon independent appraisals, less the cost of improvements that the abutters agree to pay for that are deemed necessary by the commissioner to mitigate the impact of the easement on the state transportation building, but not less the cost of improvements made to create or improve vehicular or pedestrian access in the easement area. The consideration may be paid by any one or more of the abutters, so long as the commonwealth receives the entire consideration so determined. The inspector general shall review and approve the appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner of capital asset management and maintenance for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration in accordance with section 2.

SECTION 4. The abutters shall be responsible for any costs incurred by the commonwealth for appraisals, surveys and other expenses relating to the grant of the easement authorized in this act. The costs may be paid by any one or more of the abutters, so long as all the costs are reimbursed.

SECTION 5. The consideration to be paid pursuant to section 4 shall be deposited in the General Fund of the commonwealth.

Approved November 17, 1999.

Chapter 132. AN ACT AUTHORIZING THE TOWN OF CHELMSFORD TO CONVEY CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Chelmsford may transfer care, custody and control of a certain parcel of conservation land from the conservation commission to the board of selectmen for the purpose of conveying the parcel in accordance with the provisions of chapter

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30B of the General Laws. The parcel is shown on Assessor's Map No. 95 as parcel No. 94.

SECTION 2. The board of selectmen may convey an access easement over certain conservation land. The land is described in a deed recorded in the Middlesex north registry of deeds in book 2328, page 249.

Approved November 17, 1999.

Chapter 133. AN ACT RELATIVE TO THE SWANSEA WATER DISTRICT.

Be it enacted, etc., as follows:

Chapter 137 of the acts of 1949 is hereby amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. For the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding in the aggregate \$10,000,000 and may issue bonds or notes thereof, which shall bear on their face the words, Swansea Water District Loan, Act of 1949. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than 30 years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter 44 of the General Laws pertaining to such districts.

Approved November 17, 1999.

Chapter 134. AN ACT RELATIVE TO THE MUNICIPAL GAS AND ELECTRIC COMMISSION OF THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

Section 1 of chapter 173 of the acts of 1922 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There is hereby established a commission to be known as the municipal gas and electric commission of the city of Holyoke, consisting of three members who shall be appointed in the manner and for terms hereinafter provided and who shall each receive an annual salary of \$4,000.

Approved November 22, 1999.

Chapter 135. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE CITY OF SALEM.

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Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the conveyance of a certain parcel of land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections 40F and 40F½ of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance shall convey a certain parcel of land with the buildings thereon located in the city of Salem to the city of Salem for the consideration of \$1. Said parcel is located at one St. Peter street and is commonly known as the Salem jail, jailer's house and barn.

Approved November 22, 1999.

Chapter 136. AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO GRANT A SURFACE EASEMENT OVER CERTAIN WATER RESOURCE LAND IN THE TOWN OF WATERTOWN.

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge may grant a nonexclusive surface easement over a parcel of land owned and held by the city for the public purpose of providing clean natural water resources. The easement is shown as Easement Area consisting of 2,630 square feet, on a plan entitled, "Easement Plan, 25-27 Cottage Street - Watertown, Massachusetts, which land comprises a portion of its Water Works and reservoir facilities, scale 1" = 20'", dated August 11, 1997, prepared by American Surveying Co.

SECTION 2. This act shall take effect upon its passage.

Approved November 23, 1999.

Chapter 137. AN ACT AUTHORIZING THE TOWN OF WRENTHAM TO CONVEY CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The conservation commission of the town of Wrentham may transfer care, custody and control of a certain parcel of conservation land located in said town to the board of selectmen of said town. Said parcel is shown as Parcel B on a plan of land entitled "Plan of Land in Wrentham, MA" dated March 16, 1998 prepared by Wilson Associates

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Engineering and Survey, Inc., a copy of which is on file at the office of the board of selectmen of said town.

SECTION 2. The town of Wrentham, acting by and through its board of selectmen, may convey the parcel of conservation land described in section 1 to Gino Federico, trustee of the Gino Federico Realty Trust to be used for personal purposes.

SECTION 3. In consideration and as a condition of the conveyance authorized in section 2, Gino Federico, trustee of the Gino Federico Realty Trust shall convey to the town of Wrentham a certain parcel of land shown as Parcel A on a plan entitled, "Plan of Land in Wrentham, Massachusetts, prepared for Gino Federico, 588 East Street, Wrentham, Massachusetts" dated March 16, 1998, prepared by Wilson Associates, Franklin, Massachusetts; together with the benefit of a 10' Wide Walking Easement and a 30' Wide Water Easement, both shown on said plan.

SECTION 4. The town of Wrentham shall arrange and pay for an independent appraisal under the direction of the town to determine the full and fair market value of the parcels to be conveyed pursuant to sections 2 and 3. The inspector general shall review and approve said determinations of value and said review shall include an examination of the methodology utilized for said appraisals. Said town shall convey the parcel authorized by section 2 only if said inspector general certifies in writing that the total value of the parcel to be conveyed together with the easement pursuant to section 3, as so determined is not less than the value of the parcel to be conveyed pursuant to section 3 as so determined. Said inspector general shall prepare a report of his review and certification and file same with the joint committee on state administration.

SECTION 5. This act shall take effect upon its passage.

Approved November 23, 1999.

Chapter 138. AN ACT PROVIDING FOR DISPOSITION OF LAND TO THE LAWRENCE REDEVELOPMENT AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the disposition of certain land in the city of Lawrence, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance may, notwithstanding the provisions of sections 40F to 40I, inclusive, of chapter 7 of the General Laws, and notwithstanding the provisions of sections 61 to 62H, inclusive, of chapter 30 of the General Laws or any other general or special law to the contrary

to release, grant and convey title to, and an easement in, certain parcels of land currently under the care and control of the department of environmental management for recreation and open space purposes, located in the city of Lawrence and more particularly described in subsection (b), to the Lawrence Redevelopment Authority subject to the requirements of sections 2 and 3, and to such additional terms and conditions consistent with this act as the commissioner may prescribe in consultation with the department of environmental management.

(b) Parcel 1. Title in fee simple in a parcel of land shown as Park Drive on a plan of land entitled "Definitive Subdivision, Definitive Plan, Lawrence Riverfront Industrial Park, Andover Street, Lawrence, MA." prepared by W.C. Cammett Engineering, Inc., of Amesbury, Massachusetts, dated August 21, 1995, Sheets 7 and 8 of 22, recorded with the Essex county north district registry of deeds on November 30, 1995, Plan #12729, containing 67,628 square feet, more or less, for the purpose of annexation to, sale and development of land now owned by the Lawrence Redevelopment Authority and known as the Lawrence Riverfront Industrial Park.

Parcel 2. Title in fee simple in three parcels of land shown as parcel numbers 29, 31 and 32 on a plan of land entitled "Land Acquisition Plan For Lawrence Redevelopment Authority Riverfront Urban Renewal Project," prepared by Cullinan Engineering Co., Inc., of Auburn and Boston, Massachusetts, dated August 1, 1986, as revised through December 21, 1987, Sheet 5 of 5, recorded with said Registry of Deeds on June 27, 1988, Plan #11170, containing, in the aggregate, 16,210 square feet, more or less, for the purpose of conveyance to the City of Lawrence for laying out a public way.

Parcel 3. Perpetual easement for the purpose of installation, maintenance, repair and replacement of a sewer line on a parcel of land shown as "Proposed Sewer Easement to be Granted to City of Lawrence in Lawrence, MA" prepared by W.C. Cammett Engineering, Inc., of Amesbury, Massachusetts, dated June 10, 1998, containing 22,144 square feet, more or less, said plan on file with the city attorney's office for city of Lawrence and to be recorded with the deed of easement hereby authorized.

SECTION 2. Consideration for transfer of the parcels authorized in section 1 shall be construction of a recreation trail on land in the city of Lawrence now owned by the commonwealth and under the care and control of the department of environmental management, to be located, designed and constructed as specified in a development and construction agreement between the Lawrence Redevelopment Authority and the department of environmental management, at the sole cost and expense of the Lawrence Redevelopment Authority, said construction to be completed within five years of the date a deed from the commonwealth for any one of the parcels set forth in said section 1. If the value of the parcels conveyed herein is greater than the value of the construction of said recreation trail, said city of Lawrence shall pay the difference in said value to the commonwealth as additional consideration for said conveyance.

SECTION 3. No deed by or on behalf of the commonwealth conveying the fee interests in Parcels 1 and 2, or the easement in Parcel 3, described in section 1 of this act shall

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be valid unless such deed provides that said fee interests and easement shall be used for the purposes described in said section 1.

Approved November 23, 1999.

Chapter 139. AN ACT AUTHORIZING THE TOWN OF READING TO TRANSFER CONTROL OF CERTAIN CONSERVATION LAND TO THE BOARD OF CEMETERY TRUSTEES.

Be it enacted, etc., as follows:

The town of Reading may transfer care, custody and control of a certain parcel of land used for conservation, water supply and recreational purposes from the conservation commission of the town to the board of cemetery trustees of the town to be used for cemetery purposes. The parcel is bounded and described as follows:

Beginning at an iron pipe at the land now or formerly of Alban G. and Mary C. Sheehan;

thence $N65^{\circ}=-39'-21''W$, a distance of 402.84' to a point;

thence $N14^{\circ}=-50'-00''W$, a distance of 26.24' to a point;

thence $S80^{\circ}=-52'-59''E$, a distance of 406.82' to a point;

thence $S12^{\circ}=-24'50''W$, a distance of 130.00' to a point, said point being the point of beginning of this description.

Containing 30,947 square feet more or less or $0.70\pm$ acres.

Approved November 23, 1999.

Chapter 140. AN ACT EXEMPTING THE POSITION OF DEPUTY FIRE CHIEF IN THE TOWN OF WELLESLEY FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of deputy fire chief in the town of Wellesley shall be exempt from the provisions of chapter 31 of the General Laws.

SECTION 2. The provisions of section 1 shall not impair the civil service status of any incumbent holding the office of deputy fire chief in the town of Wellesley on the effective date of this act.

Approved November 23, 1999.

Chapter 141. AN ACT AUTHORIZING THE TOWN OF STONEHAM TO GRANT CERTAIN EASEMENTS.

Be it enacted, etc., as follows:

The town of Stoneham acting by and through its board of selectmen may grant a drainage easement and a sewer easement over conservation land in said town to Storage U.S.A. and its successors and assigns. Said easements are shown on a plan of land entitled "Sketch Plan in Stoneham, Mass", drawn by Hayes Engineering, Inc., dated February 25, 1999.

Approved November 23, 1999.

Chapter 142. AN ACT LIMITING LIABILITY RESULTING FROM THE USE OF AUTOMATIC EXTERNAL DEFIBRILLATION.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 12V the following section:-

Section 12V½. (a) As used in this section, the following words, shall, unless the context requires otherwise, have the following meanings:-

"AED", a semi-automatic or automatic external defibrillator.

"AED agency", a person that (i) possesses an AED that is maintained and tested in accordance with its manufacturer's guidelines, (ii) permits an AED provider to use an AED in its possession, (iii) requires that each AED provider, in each instance of responding to a request for emergency care or treatment, contacts the police or emergency medical services in the city or town in which they are located and provides a report to its AED medical director, (iv) prior to implementation of its public access defibrillation program, notifies the local police and the emergency medical services provider of the number, type and location of the AED in its possession, and (v) contracts with an AED medical director, who shall be responsible for ensuring that the AED agency complies with AED maintenance, AED provider training and notice requirements.

"AED medical director", a physician practicing in or adjacent to the regional emergency medical service region of the city or town in which the AED agency with which he contracts is located, who (i) is an emergency physician or cardiologist or a physician having specialized training and knowledge concerning public access defibrillation, (ii) is knowledgeable about emergency medical services protocols established pursuant to chapter 111C, (iii) is familiar with cardiopulmonary resuscitation and AED action sequences, (iv) coordinates the activities of the AED agency with which he contracts and its AED providers, with the protocols described and the action sequences described in this section, and (v) evaluates the activities of the AED agency with which he contracts.

"AED provider", a person (i) who has successfully completed a course in cardiopulmonary resuscitation and in the use of an AED that meets or exceeds the standards established by the American Heart Association or the American National Red Cross and (ii) whose evidence of successful course completion has not expired.

"Public access defibrillation program", a program sponsored by an AED agency, using AED providers and an AED medical director, which makes automatic external defibrillation and AED providers available to the public.

(b) Any AED provider who in good faith renders emergency cardiopulmonary resuscitation or automatic external defibrillation, in accordance with his training through a public access defibrillation program, to any person who apparently requires cardiopulmonary resuscitation or defibrillation, shall not be liable for acts or omissions, other than gross negligence or willful or wanton misconduct, resulting from the rendering of emergency cardiopulmonary resuscitation or defibrillation.

(c) An AED medical director and an AED agency who in good faith participates in a public access defibrillator program shall not be liable for acts or omissions, other than gross negligence or willful or wanton misconduct, resulting from such participation.

Approved November 24, 1999.

Chapter 143. AN ACT RELATIVE TO MEMBERS OF FINANCIALLY TROUBLED HEALTH MAINTENANCE ORGANIZATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith members of financially troubled health maintenance organizations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared that it is necessary to protect residents of the commonwealth who are members of health maintenance organizations which may become financially troubled; to give the division of insurance the same administrative supervision, rehabilitation and liquidation authority which the division currently possesses with regard to other insurance companies; to provide members of an insolvent health maintenance organization the opportunity to obtain adequate health care and to protect members, employees and unions should a health maintenance organization declare bankruptcy. Therefore, it is hereby further found and declared that the general court recognizes that health maintenance organizations are an integral part of the health care insurance system for residents of the commonwealth and that it is in the public interest to protect the health and welfare of the residents of the commonwealth should a health maintenance organization become financially unsound. In furtherance of such public purpose, the general court herein provides procedures to be followed should the division of insurance determine that the interests of members of a financially troubled health maintenance organization are at risk.

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SECTION 2. Section 10 of chapter 175 of the 'General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "company", in line 2, the following words:- or a health maintenance organization as defined in chapter 176G,.

SECTION 3. Section 110 of said chapter 175, as so appearing, is hereby amended by adding the following subdivision:-

(N) (1) For purposes of this subdivision, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Carrier", a health maintenance organization authorized under chapter 176G, an insurance company authorized to provide accident and health insurance under this chapter, a nonprofit hospital service corporation authorized under chapter 176A, a nonprofit medical service corporation authorized under chapter 176B, or any other entity responsible for the payment of benefits or provision of services under a group contract.

"Replacement", the benefits provided by a succeeding carrier.

"Discontinuance", the termination of the contract between the group contract holder and a health maintenance organization authorized under chapter 176G due to the insolvency of the health maintenance organization. The word "discontinuance" does not refer to the termination of any agreement between any individual enrollee and the health maintenance organization.

(2) (a) In the event of an insolvency of a health maintenance organization, upon order of the commissioner, all other carriers that participated in the enrollment process with the insolvent health maintenance organization at a group's last regular enrollment period shall offer such group's enrollees of the insolvent health maintenance organization a 30 day enrollment period commencing upon the date of insolvency. Each carrier shall offer such enrollees of the insolvent health maintenance organization the same coverages and rates that it had offered to the enrollees of the group at its last regular enrollment period.

(b) If no other carrier had been offered to some groups whose members were enrolled in the insolvent health maintenance organization, or if the commissioner determines that the other carriers lack sufficient health care delivery resources to assure that health care services will be available and accessible to all of the group's enrollees of the insolvent health maintenance organization, then the commissioner shall allocate equitably the insolvent health maintenance organization's group contracts for such groups among all health maintenance organizations that operate within a portion of the insolvent health maintenance organization's service area as provided in paragraph (2) of subsection (b) of section 23 of chapter 176G.

(3) (a) Any carrier providing replacement coverage with respect to group hospital, medical or surgical expense or service benefits within 60 days from the date of discontinuance of a prior health maintenance organization contract or policy providing such hospital, medical or surgical expense or service benefits shall immediately cover all enrollees who were validly covered under the previous health maintenance organization contract or policy at the date of discontinuance and who would otherwise be eligible for coverage under the succeeding carrier's contract, regardless of any provisions of the contract relating to active employment or hospital confinement or pregnancy.

(b) Except to the extent benefits for the condition would have been reduced or excluded under the prior carrier's contract or policy, no provision in a succeeding carrier's contract of replacement coverage that would operate to reduce or exclude benefits on the basis that the condition giving rise to benefits preexisted the effective date of the succeeding carrier's contract shall be applied with respect to those enrollees validly covered under the prior carrier's contract or policy on the date of discontinuance.

SECTION 4. Section 3 of chapter 175J of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(F) The commissioner may employ staff personnel and outside counsel and other consultants as may be necessary for the proper conduct of the administrative supervision. All reasonable costs of such outside counsel and other consultants, including the costs attributable to the use of staff personnel, shall be borne by the insurer under administrative supervision.

SECTION 5. Chapter 176A of the General Laws, as so appearing, is hereby amended by adding the following section:-

Section 33. (a) For purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Carrier", a health maintenance organization authorized under chapter 176G, an insurance company authorized to provide accident and health insurance under chapter 175, a nonprofit hospital service corporation authorized under this chapter, a nonprofit medical service corporation authorized under chapter 176B, or any other entity responsible for the payment of benefits or provision of services under a group contract.

"Replacement", the benefits provided by a succeeding carrier.

"Discontinuance", the termination of the contract between the group contract holder and a health maintenance organization authorized under chapter 176G due to the insolvency of the health maintenance organization. The word "discontinuance" does not refer to the termination of any agreement between any individual enrollee and the health maintenance organization.

(b) (1) In the event of an insolvency of a health maintenance organization authorized under chapter 176G, upon order of the commissioner, all other carriers that participated in the enrollment process with the insolvent health maintenance organization at a group's last regular enrollment period shall offer such group's enrollees of the insolvent health maintenance organization a 30 day enrollment period commencing upon the date of insolvency. Each carrier shall offer such enrollees of the insolvent health maintenance organization the same coverages and rates that it had offered to the enrollees of the group at its last regular enrollment period.

(2) If no other carrier had been offered to some groups whose members were enrolled in the insolvent health maintenance organization, or if the commissioner determines that the other carriers lack sufficient health care delivery resources to assure that health care services will be available and accessible to all of the group's enrollees of the insolvent health maintenance organization, then the commissioner shall allocate equitably the insolvent health

maintenance organization's group contracts for such groups among all health maintenance organizations that operate within a portion of the insolvent health maintenance organization's service area as provided in paragraph (2) of subsection (b) of section 23 of chapter 176G.

(c) (1) Any carrier providing replacement coverage with respect to group hospital, medical or surgical expense or service benefits within 60 days from the date of discontinuance of a prior health maintenance organization contract or policy providing such hospital, medical or surgical expense or service benefits shall immediately cover all enrollees who were validly covered under the previous health maintenance organization contract or policy at the date of discontinuance and who would otherwise be eligible for coverage under the succeeding carrier's contract, regardless of any provisions of the contract relating to active employment or hospital confinement or pregnancy.

(2) Except to the extent benefits for the condition would have been reduced or excluded under the prior carrier's contract or policy, no provision in a succeeding carrier's contract of replacement coverage that would operate to reduce or exclude benefits on the basis that the condition giving rise to benefits preexisted the effective date of the succeeding carrier's contract shall be applied with respect to those enrollees validly covered under the prior carrier's contract or policy on the date of discontinuance.

SECTION 6. Chapter 176B of the General Laws, as so appearing, is hereby amended by adding the following section:-

Section 21. (a) For purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Carrier", a health maintenance organization authorized under chapter 176G, an insurance company authorized to provide accident and health insurance under chapter 175, a nonprofit hospital service corporation authorized under chapter 176A, a nonprofit medical service corporation authorized under this chapter, or any other entity responsible for the payment of benefits or provision of services under a group contract.

"Replacement", the benefits provided by a succeeding carrier.

"Discontinuance", the termination of the contract between the group contract holder and a health maintenance organization authorized under chapter 176G due to the insolvency of the health maintenance organization. The word "discontinuance" does not refer to the termination of any agreement between any individual enrollee and the health maintenance organization.

(b) (1) In the event of an insolvency of a health maintenance organization authorized under chapter 176G, upon order of the commissioner, all other carriers that participated in the enrollment process with the insolvent health maintenance organization at a group's last regular enrollment period shall offer such group's enrollees of the insolvent health maintenance organization a 30 day enrollment period commencing upon the date of insolvency. Each carrier shall offer such enrollees of the insolvent health maintenance organization the same coverages and rates that it had offered to the enrollees of the group at its last regular enrollment period.

(2) If no other carrier had been offered to some groups whose members were enrolled in the insolvent health maintenance organization, or if the commissioner determines that the other carriers lack sufficient health care delivery resources to assure that health care services will be available and accessible to all of the group's enrollees of the insolvent health maintenance organization, then the commissioner shall allocate equitably the insolvent health maintenance organization's group contracts for such groups among all health maintenance organizations that operate within a portion of the insolvent health maintenance organization's service area as provided in paragraph (2) of subsection (b) of section 23 of chapter 176G.

(c) (1) Any carrier providing replacement coverage with respect to group hospital, medical or surgical expense or service benefits within 60 days from the date of discontinuance of a prior health maintenance organization contract or policy providing such hospital, medical or surgical expense or service benefits shall immediately cover all enrollees who were validly covered under the previous health maintenance organization contract or policy at the date of discontinuance and who would otherwise be eligible for coverage under the succeeding carrier's contract, regardless of any provisions of the contract relating to active employment or hospital confinement or pregnancy.

(2) Except to the extent benefits for the condition would have been reduced or excluded under the prior carrier's contract or policy, no provision in a succeeding carrier's contract of replacement coverage that would operate to reduce or exclude benefits on the basis that the condition giving rise to benefits preexisted the effective date of the succeeding carrier's contract shall be applied with respect to those enrollees validly covered under the prior carrier's contract or policy on the date of discontinuance.

SECTION 7. Chapter 176G of the General Laws, as so appearing, is hereby amended by adding the following four sections:-

Section 20. Any administrative supervision, rehabilitation or liquidation of a health maintenance organization shall be deemed to be the administrative supervision, rehabilitation or liquidation of an insurance company and shall be instituted on the grounds contained in and conducted pursuant to sections 6, 46, 46A, 178, 179, 180 and 180A to 180L, inclusive, of chapter 175, except as provided in this section and may include, but not be limited to, the following: the health maintenance organization is insolvent or in unsound financial condition, the health maintenance organization's business policies or methods are unsound or improper, the health maintenance organization's condition or management is such as to render its further transaction of business hazardous to the public or to its members or creditors, the health maintenance organization is transacting business fraudulently, the health maintenance organization or its officers or agents have refused to submit an examination under section 10, the health maintenance organization has attempted or is attempting to compromise with its creditors on the ground that it is financially unable to pay its claims in full or the health maintenance organization has inadequately reserved for unearned premiums. Members shall have the same priority in the event of rehabilitation or liquidation as the law provides to policyholders of an insurer.

For the purpose of determining the priority of distribution of general assets, claims of members and members' beneficiaries shall have the same priority as established by section 180F of chapter 175 for policyholders, beneficiaries and insureds of insurance companies. If a member is liable to any provider for services provided pursuant to and covered by the health maintenance organization, that liability shall have the status of a member in the distribution of general assets.

Any provider who is obligated by statute or agreement to hold members harmless from liability for services provided pursuant to and covered by a health maintenance contract shall have a priority of distribution of the general assets immediately following that of members as described in this section.

Section 21. (a) For purposes of this section, "participating provider" shall mean any physician, hospital or other person who, under an express or implied contract with the health maintenance organization or with its contractor or subcontractor, has agreed to provide health care services to members with an expectation of receiving payment, other than co-payment, co-insurance or deductible, directly or indirectly from the health maintenance organization, its contractor or subcontractor.

(b) Every contract between a health maintenance organization and a participating provider shall be in writing and shall contain the following hold harmless provision:

The provider agrees that in no event, including but not limited to nonpayment by the health maintenance organization of amounts due the provider under this contract, insolvency of the health maintenance organization or any breach of this contract by the health maintenance organization, shall the provider or its assignees or subcontractors have a right to seek any type of payment from, bill, charge, collect a deposit from, or have any recourse against, the member, persons acting on the member's behalf, other than the health maintenance organization, the employer or the group health maintenance contract holder for services provided pursuant to this contract except for the payment of applicable co-payment, co-insurance or deductibles for services covered by the health maintenance organization. The requirements of this provision shall survive any termination of this contract for services rendered prior to the termination, regardless of the cause of such termination. The health maintenance organization's members, any persons acting on the member's behalf, other than the health maintenance organization, and the employer or group health maintenance contract-holder shall be third-party beneficiaries of this clause. This provision supercedes any oral or written agreement hereafter entered into between the provider and the member, persons acting on the member's behalf, other than the health maintenance organization, and the employer or group health maintenance contract holder.

(c) In the event that the participating provider contract has not been reduced to writing as required by subsection (b) or that the contract fails to contain the required hold harmless provision, such provision shall be deemed incorporated into such contract by operation of law.

(d) No participating provider, agent, trustee or assignee thereof, may maintain any action at law against a member to collect sums owed by the health maintenance organization.

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Section 22. (a) For purposes of this section, "health care provider" shall mean any physician, hospital or other person furnishing health services who has provided such services to members under an express or implied contract or with an expectation of receiving payment, other than co-payment, deductible or co-insurance, directly or indirectly from the health maintenance organization.

(b) In addition to the provisions of section 21, in the event of the insolvency of a health maintenance organization:

(1) a member of a health maintenance organization shall not be liable to any health care provider for any covered health services provided to the member, except as provided in subsection (c);

(2) a health care provider or any representative of a health care provider may not collect or attempt to collect from a member money owed to the health care provider by a health maintenance organization;

(3) a health care provider or any representative of a health care provider may not maintain any action against a member to collect or attempt to collect any money owed to the health care provider by a health maintenance organization.

(c) Notwithstanding any other provision of this section, a health care provider or representative of a health care provider may collect or attempt to collect from a member:

(1) a co-payment, deductible, or co-insurance amounts owed by the member to the health care provider for covered services provided by the health care provider, or

(2) a payment or charges for services not covered under the member's health maintenance contract.

Section 23. (a) For purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Carrier", a health maintenance organization authorized under this chapter, an insurance company authorized to provide accident and health insurance under chapter 175, a nonprofit hospital service corporation authorized under chapter 176A, a nonprofit medical service corporation authorized under chapter 176B, or any other entity responsible for the payment of benefits or provision of services under a group contract.

"Replacement", the benefits provided by a succeeding carrier.

"Discontinuance", the termination of the contract between the group contract holder and a health maintenance organization due to the insolvency of the health maintenance organization. The word "discontinuance" does not refer to the termination of any agreement between any individual enrollee and the health maintenance organization.

(b) (1) In the event of an insolvency of a health maintenance organization, upon order of the commissioner, all other carriers that participated in the enrollment process with the insolvent health maintenance organization at a group's last regular enrollment period shall offer such group's enrollees of the insolvent health maintenance organization a 30 day enrollment period commencing upon the date of insolvency. Each carrier shall offer such enrollees of the insolvent health maintenance organization the same coverages and rates that it had offered to the enrollees of the group at its last regular enrollment period. Nothing in

this section shall prevent an employer from making alternative arrangements with any carrier to provide coverage to its employees who were members of the insolvent health maintenance organization.

(2) If no other carrier had been offered to some groups whose members were enrolled in the insolvent health maintenance organization, or if the employer does not arrange for alternative coverage, or if the commissioner determines that the other carriers lack sufficient health care delivery resources to assure that health care services will be available and accessible to all of the group's enrollees of the insolvent health maintenance organization, then the commissioner shall allocate equitably the insolvent health maintenance organization's group contracts for such groups among all health maintenance organizations that operate within a portion of the insolvent health maintenance organization's service area, taking into consideration the health care delivery resources of each health maintenance organization. Each health maintenance organization to which a group or groups are so allocated shall offer such group or groups the health maintenance organization's existing coverage which is most similar to each group's coverage with the insolvent health maintenance organization at rates determined in accordance with the succeeding health maintenance organization's existing rating methodology.

(3) The commissioner shall also allocate equitably the insolvent health maintenance organization's nongroup enrollees who are unable to obtain other comparable coverage among all health maintenance organizations that operate within a portion of the insolvent health maintenance organization's service area, taking into consideration the health care delivery resources of each such health maintenance organization. Each health maintenance organization to which nongroup enrollees are allocated shall offer such nongroup enrollees the health maintenance organization's existing coverage for individual or conversion coverage as determined by his type of coverage in the insolvent health maintenance organization at rates determined in accordance with the succeeding health maintenance organization's existing rating methodology. Succeeding health maintenance organizations that do not offer direct nongroup enrollment may aggregate all of the allocated nongroup enrollees into one group for rating and coverage purposes.

(c) (1) Any carrier providing replacement coverage with respect to group hospital, medical or surgical expense or service benefits within 60 days from the date of discontinuance of a prior health maintenance organization contract or policy providing such hospital, medical or surgical expense or service benefits shall immediately cover all enrollees who were validly covered under the previous health maintenance organization contract or policy at the date of discontinuance and who would otherwise be eligible for coverage under the succeeding carrier's contract, regardless of any provisions of the contract relating to active employment or hospital confinement or pregnancy.

(2) Except to the extent benefits for the condition would have been reduced or excluded under the prior carrier's contract or policy, no provision in a succeeding carrier's contract of replacement coverage that would operate to reduce or exclude benefits on the

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basis that the condition giving rise to benefits preexisted the effective date of the succeeding carrier's contract shall be applied with respect to those enrollees validly covered under the prior carrier's contract or policy on the date of discontinuance.

Approved November 24, 1999.

Chapter 144. AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO TRANSFER CONTROL OF A CERTAIN PARCEL OF LAND HELD FOR CONSERVATION PURPOSES TO THE WEST BARNSTABLE FIRE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary the town of Barnstable may transfer the fee or a lesser interest in a certain portion of land, held by said town for conservation purposes, to the West Barnstable fire district for the purpose of production of water as a public water supply. Said transfer is to be made in conjunction with the acquisition by said town of Barnstable of certain other land in the immediate vicinity for conservation purposes, and the proceeds paid by the West Barnstable fire district to the town of Barnstable for the transfer hereby authorized may be used by the said town without further appropriation for funding, paying debt incurred for or replacing funds utilized from other town accounts for the purpose of acquiring said alternate conservation land.

Said land is described in an Easement registered with the land registration office in said town of Barnstable, as Document Number 707380, with Certificate of Title 76207, and is shown on plan of land entitled "Easement Plan of Land in (WEST) BARNSTABLE, MASS. Prepared for WEST BARNSTABLE FIRE DISTRICT WATER COMMISSION over a portion of Lot 2 shown on Land Court Plan 34248A Scale 1" - 100' August 17, 1993" a copy of which is attached thereto as Exhibit "A".

SECTION 2. This act shall take effect upon its passage.

Approved November 24, 1999.

Chapter 145. AN ACT AUTHORIZING THE TOWN OF MASHPEE TO GRANT CERTAIN EASEMENTS.

Be it enacted, etc., as follows:

SECTION 1. The town of Mashpee, acting by and through its board of selectmen, may grant an easement over a certain parcel of conservation land to the United States of America for the construction and operation of a water treatment facility for a term of years

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to be determined by the board of selectmen. The parcel of land is shown on Mashpee Assessors' Map 43 as Block 2, Lot 0.

SECTION 2. The town of Mashpee, acting by and through its board of selectmen, may grant an easement for a term of two years over certain conservation land to the United States of America. The land is shown on Mashpee Assessors' Map 43, Block 2, Lot 0. The easement shall be in the form as approved by the board of selectmen on September 28, 1998 in a document entitled "Department of the Army Offer to Sell Easement" which was accepted by the United States of America on September 29, 1998.

SECTION 3. This act shall take effect upon its passage.

Approved November 24, 1999.

Chapter 146. AN ACT PROVIDING FOR THE LICENSING OF HOME INSPECTORS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 13 of the General Laws is hereby amended by adding the following two sections:-

Section 96. There is hereby established within the division of registration, a board of registration of home inspectors. Said board shall consist of five members to be appointed by the governor for terms of three years. The members so appointed shall be residents of the commonwealth, three of whom shall be licensed home inspectors who have been actively engaged in the practice of home inspection in the commonwealth for at least five years immediately preceding their appointment and who shall have performed not less than 1,000 home inspections for compensation, one of whom shall be a licensed home inspector who has been actively engaged in the practice of home inspection in the commonwealth for at least five years immediately preceding his appointment and who has performed not less than 150 home inspections for compensation and one of whom shall be a consumer who shall be the owner and principal resident of a residential building. All board members shall be subject to the provisions of chapter 268A.

Of the initial members appointed to said board, two shall serve for terms of three years, two shall serve for terms of two years and one shall serve for a term of one year. Each member of said board shall hold office until his successor has been qualified. A vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for the original appointment. No member shall serve more than two consecutive terms which shall not include any unexpired term to which he has been appointed. A member may be removed by the governor for cause.

Said board shall annually elect from among its members, by majority vote, a chairman and vice-chairman. Said board shall meet at least once every three months and may hold additional meetings as necessary to discharge its duties. Members shall receive no com-

pensation but shall be entitled to reasonable travel expenses.

Section 97. Said board shall (i) establish the requirements for licensure and for the standards of professional and ethical conduct; (ii) authorize and conduct appropriate examinations to determine the qualifications of applicants; (iii) grant licenses to qualified applicants; (iv) establish standards for continuing education; and (v) set and administer penalties as defined in section 206 of chapter 112 for fraudulent, deceptive or professionally incompetent and unsafe practices and for violations of rules and regulations promulgated by said board.

Said board shall make available to the public a list of licensed home inspectors and associate home inspectors.

Said board shall publish a code of ethics.

The director of consumer affairs and business regulation, after consultation with the board of registration of home inspectors and the board of registration of real estate brokers and salespersons, shall publish an informational brochure on home inspections which shall be issued to home buyers at the signing of the first written contract to purchase. The brochure shall include a definition of a home inspection such that the nature and extent of a home inspection is made clear to a client or prospective client. The brochure shall also include information regarding inspections for lead paint, radon, and termites and other woodboring insects. The joint committee on government regulations and the house and senate committees on post audit and oversight shall receive a copy of the proposed brochure and shall be provided with an opportunity to comment on it 60 days before the brochure is submitted for publication.

Said board shall administer the provisions of sections 201 to 206, inclusive, of said chapter 112 and shall promulgate such rules and regulations as may be necessary to implement the same.

SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after section 87YY the following section:-

Section 87YY½. At the time of the signing of the first written contract to purchase, real estate brokers and salesmen, or the seller if no broker or salesperson is involved in the sale, shall distribute a brochure, published by the office of consumer affairs and business regulations, educating consumers about the home inspection process. Real estate brokers and salesmen shall not directly recommend a specific home inspection company or home inspector but may, upon request, provide a complete list of licensed home inspectors prepared by the board. This prohibition shall not apply if there is a written contractual agreement or a written agency disclosure between the buyer and the real estate broker specifying that the real estate broker is acting exclusively for the buyer as a buyer's broker.

SECTION 3. Said chapter 112 is hereby further amended by adding the following six sections:-

Section 201. As used in sections 202 to 206, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Associate home inspector", a person employed by a licensed home inspector to conduct home inspections of residential buildings under the supervision of a licensed home inspector who is licensed pursuant to this chapter.

"Board", the board of registration of home inspectors established pursuant to section 96 of chapter 13.

"Client", a person who engages the services of a home inspector for the purpose of obtaining inspection of and a written report on the condition of a residential building.

"Division", the division of registration.

"Home inspection", the process by which a home inspector observes and provides pursuant to the sale and transfer of a residential building, a written evaluation of the following readily accessible components of a residential building: heating, cooling, plumbing and electrical systems, structural components, foundation, roof, masonry structure, exterior and interior components and any other related residential housing components. A home inspection shall, at a minimum, conform with standards of practice promulgated by the board.

"Home inspector", a person licensed as a home inspector pursuant to this chapter.

"Residential building", a structure consisting of one to four dwelling units.

Section 202. (a) No person shall present, call or represent himself as authorized to provide a home inspection for compensation unless licensed by the board in accordance with this section and sections 203 to 206, inclusive. No person shall conduct a home inspection for compensation unless licensed by the board in accordance with this section and said sections 203 to 206, inclusive, and unless he provides a written report of the home inspection. The requirements contained in this subsection shall not be construed to prevent any of the following persons from acting within the scope of their profession:

- (1) a person employed as a code enforcement official by the commonwealth or a political subdivision thereof when acting within the scope of his employment;
- (2) an architect licensed pursuant to sections 60A to 60 O, inclusive;
- (3) a professional engineer licensed pursuant to sections 81D to 81T, inclusive;
- (4) an electrician licensed pursuant to chapter 141;
- (5) a plumber licensed pursuant to chapter 142;
- (6) a real estate broker or salesman licensed pursuant to section 87XX;
- (7) a real estate appraiser or certified general or residential real estate appraiser licensed pursuant to sections 173 to 195, inclusive, or an insurance adjuster;
- (8) a person certified or registered as a pesticide applicator;
- (9) a person employed as a radon, licensed lead paint, urea formaldehyde or termite inspector solely for the purpose of conducting such inspections;
- (10) an individual or business hired solely for the purpose of inspecting the energy-related components of a dwelling in order to assess a home's energy performance;
- (11) officers and employees of the United States or the commonwealth while engaged within the commonwealth in the practice of inspection on behalf of the United States or the commonwealth;

(12) a person making a home inspection in the presence of a licensed home inspector for the purpose of meeting the requirements of section 203 to qualify for licensure as an associate home inspector; and

(13) a person conducting an inspection of septic systems as required by 310 CMR 15 solely for the purpose of checking or being in compliance with 310 CMR 15.

(b) Each applicant for a license as a home inspector shall furnish the board with proof of satisfactory completion of the educational, training and experience requirements for licensure, including completion of an approved program of work experience and proof of having passed a licensing examination approved by the board. Applications for licenses and renewals thereof shall be submitted in accordance with procedures established by the board. Pursuant to section 3B of chapter 7 of the General Laws, the secretary of administration and finance shall ensure that a licensing fee shall be charged to all applicants in an amount sufficient to defray all administrative costs to the commonwealth associated with the licensure of home inspectors, but in no event shall the fee be less than \$100.

The board shall license as a home inspector an applicant who meets the requirements set forth in this section. Said board shall issue to a home inspector and an associate home inspector a license. Each such licensed home inspector and associate home inspector shall carry the license with him at all times and make it available for presentation to a client or prospective client.

(c) A license shall be issued for a period of two years and shall be renewable on or before the last day of the month in an even-numbered year. Each licensee shall pay to the board a license fee or renewal fee, as appropriate, which shall be set by the secretary of administration and finance. The renewal month shall be determined by the division to facilitate efficient completion of all renewal requests and avoid backlog. The renewal of a home inspector license shall be contingent upon compliance with the continuing education requirements and standards of practice as determined by the board and defined by rules and regulations.

(d) To be eligible for licensure as a home inspector, an applicant shall:

- (i) be of good moral character;
- (ii) have successfully completed high school or its equivalent;
- (iii) have been engaged as a licensed associate home inspector for not less than one year and have performed not less than 100 home inspections under the supervision of a licensed home inspector;
- (iv) have passed a written or electronic competency examination offered or approved by the board; and

(v) pay the appropriate fee set by the secretary of administration and finance.

Section 203. The board shall establish the requirements for licensure as an associate home inspector and shall promulgate such rules and regulations to establish the associate training program and duties and responsibilities of the supervisor and otherwise as may be necessary pursuant to the provisions of this section. Said board shall license as an associate an applicant who has shown to the satisfaction of the board that the applicant:

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- (1) is of good moral character;
- (2) has successfully completed high school or its equivalent;
- (3) has successfully completed a board-approved training program;
- (4) has performed not less than 25 home inspections in the presence of a licensed home inspector;
- (5) has passed a written or electronic competency examination offered or approved by the board;
- (6) has an identified supervisor who is a person licensed in good standing in the commonwealth as a home inspector; and
- (7) has paid the appropriate fee which shall be set by the secretary of administration and finance.

Section 204. Upon payment to the board of a fee and the submission of a written application provided by said board, the board shall issue a home inspector license to a person who holds a valid license or registration issued by another jurisdiction which has standards substantially equivalent to or exceeding the standards of the commonwealth, as determined by said board.

Section 205. The board shall establish procedures for the filing of complaints regarding home inspectors who are subject to requirements for licensure.

A licensed home inspector and associate home inspector engaged in the practice of home inspection shall secure, maintain and file with the board satisfactory proof of a certificate of an errors and omissions policy which shall be in a minimum amount of \$250,000 in the aggregate. Every proof of an errors and omissions policy shall stipulate that cancellation or nonrenewal of the policy shall not be effective until at least ten days' notice of intention to cancel or not renew has been received in writing by the board. No home inspector or associate may supervise or perform a home inspection unless his performance of the inspection is covered by an errors and omissions policy of at least \$250,000 in the aggregate. Such proof shall be deemed satisfactory if the policy is carried by the licensed company, partnership or franchise for which the home inspector or associate home inspector is a contracted employee and the home inspector or associate home inspector is specifically covered by such policy.

A licensed home inspector and associate home inspector shall promptly report to the insurance company any complaint filed against either the inspector or the inspector's company in a court of competent jurisdiction when the claim in the complaint is greater than the deductible on the inspector's errors and omissions insurance policy.

Any action arising from a home inspection shall be commenced only within three years after the date of a completed written report of a home inspection by a home inspector.

Said board shall investigate all complaints filed with the board relating to the proper practice of home inspection and all complaints relating to a violation of this chapter or any rule or regulation of said board.

Said board may, by a majority vote, after a hearing held subject to chapter 30A, deny, refuse renewal, limit, suspend or revoke the license of a home inspector or an associate home

inspector upon proof to the satisfaction of the board that the holder thereof has:

- (1) committed fraud or misrepresentation in obtaining a license;
- (2) been guilty of criminal conduct which the board determines to be of such a nature as to render such a person unfit to practice as a licensed home inspector or associate home inspector, as evidenced by criminal proceedings which resulted in a conviction, guilty plea or plea of nolo contendere or an admission of sufficient facts;
- (3) failed to report a claim forthwith to the insurance carrier as provided in this section;
- (4) violated any rule or regulation of the board;
- (5) failed to fulfill any continuing education requirements set out by the board;
- (6) violated any ethical standard which the board determines to be of such a nature as to render such person unfit to practice as a home inspector or associate home inspector, such as:
 - (i) disclosing information concerning the results of the home inspection without the approval of a client or the client's representative;
 - (ii) accepting compensation from more than one interested party for the same service without the consent of all interested parties;
 - (iii) accepting commissions or allowances, directly or indirectly, from parties other than the client in connection with work for which the licensee is responsible to the client;
 - (iv) failing to promptly disclose to a client or potential client information about any business interest of the licensee which may affect the client or potential client in connection with the home inspection;
 - (v) attempting to limit liability for negligent or wrongful errors or omissions by use of a clause within a performance contract that limits the cost of damages for negligent or wrongful errors or omissions; or
 - (vi) conducting a home inspection without the appropriate errors and omissions insurance coverage;
- (7) failed to provide a written report of the completed home inspection;
- (8) reported on the market value of the property or its marketability; or
- (9) reported on the advisability or inadvisability of the purchase of the property.

Section 206. The board may, by a majority vote and upon determination made after a hearing pursuant to chapter 30A, find that a home inspector or associate home inspector is liable for a violation of the provisions of sections 202 to 205, inclusive, and may impose the following fines and penalties:

- (1) suspend, revoke, cancel or place on probation the license of the home inspector or associate;
- (2) reprimand or censure the licensee;
- (3) order the licensee to complete continuing education or training or both as a condition of retention or future consideration or reinstatement of such license;
- (4) order the licensee to participate in a drug or alcohol rehabilitation program or undergo drug testing or both as a condition of reinstatement of such license;

(5) order the licensee to practice under appropriate supervision for a period of time to be determined by said board as a condition of retention of future consideration of reinstatement of such license;

(6) order financial restitution, where appropriate; and

(7) assess an administrative penalty of not more than \$1,000 for each violation.

Whoever, not being licensed as a home inspector or an associate home inspector, holds himself out as such or whoever, being licensed, impersonates another home inspector or associate home inspector or violates any rule or regulation made by said board and performs a home inspection, may be assessed a civil penalty of not more than \$5,000 for each violation. Such civil penalty may be assessed by the board after hearing and may be enforced by the courts of the commonwealth.

No action by a home inspector for recovery of a fee for the performance of a home inspection shall be maintained in the courts of the commonwealth unless the individual who performed the inspection was duly licensed at the time the fee was earned.

An appeal of a license suspension, revocation, cancellation or other discipline shall be made to the superior court based solely on the administrative record compiled at the board hearing.

SECTION 4. Prior to May 1, 2001, the board shall issue to an individual, upon application, a home inspector license, if the applicant meets the requirements of clauses (i) and (v) of subsection (d) of section 202 of chapter 112 of the General Laws and: (1) has been engaged in the practice of home inspections for compensation for not less than three years prior to the effective date of this act; and (2) has performed not less than 125 home inspections for compensation.

SECTION 5. The members of the board of registration of home inspectors established by section 96 of chapter 13 of the General Laws shall be appointed on or before September 1, 2000.

SECTION 6. Notwithstanding the provisions of section 96 of chapter 13 of the General Laws to the contrary, for a period of one year after the effective date of said section 96 the initial four home inspectors appointed to the board of registration of home inspectors shall not be required, at the time of their initial appointment, to be licensed to practice home inspection pursuant to the provisions of sections 201 to 206, inclusive, of chapter 112 of the General Laws, if they are of good moral character, have graduated from high school or its equivalent, have been engaged in the practice of home inspections for compensation for not less than five years prior to the effective date of this section and have performed not less than 1,000 home inspections for compensation.

SECTION 7. Sections 2 to 4, inclusive, shall take effect on May 1, 2001.

Approved November 24, 1999.

Chapter 147. AN ACT AUTHORIZING THE ACQUISITION OF PROPERTY IN THE TOWN OF SANDWICH FOR PROTECTION OF A WATER SUPPLY WELL.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (a) of section 2 of chapter 344 of the acts of 1936 is hereby amended by inserting after the word "commonwealth", in line 4, the following words:- and for establishing Zone I protective radii of public water supplies, so-called.

SECTION 2. Notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, pursuant to the provisions of paragraph (a) of section 2 of chapter 344 of the acts of 1936, the commissioner of the division of capital asset management and maintenance shall acquire by purchase, gift, lease, eminent domain or otherwise, on behalf of the military division of the commonwealth, the land or easements therein, described in section 3 of this act.

SECTION 3. The land referred to in section 2 of this act contains approximately .18 acres located adjacent to the property of the commonwealth northwest of, and within a 400 foot radius of, J-Well, so-called, in the town of Sandwich. The exact boundaries of the parcel shall be determined by the commissioner of the division of capital asset management and maintenance.

Approved November 24, 1999.

Chapter 148. AN ACT AUTHORIZING THE TOWN OF WINCHENDON TO CONVEY CERTAIN PARCELS OF LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Winchendon, acting by and through its board of selectmen, may convey a portion or portions of certain parcels of open space and town forest land located in said town and being the same land found at Assessors Map 6B1 Parcel 24; Map 6 Parcel 78; Map 6 Parcel 68; Map 6 Parcel 69; Map 6 Parcel 67; Map 6 Parcel 82; and a portion of Map 6B1 Parcel 33, to the commonwealth or an appropriate agency thereof, for purposes of a veterans' cemetery.

SECTION 2. This act shall take effect upon its passage.

Approved November 24, 1999.

Chapter 149. AN ACT AUTHORIZING THE CITY OF TAUNTON TO PAY A PERCENTAGE OF LIFE AND HEALTH INSURANCE PREMIUMS FOR RICHARD CASTRO.

Be it enacted, etc., as follows:

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Notwithstanding the provisions of any general or special law or rule to the contrary, the city of Taunton may pay a percentage of the premium for contributory group life and health insurance for Richard Castro, a retiree of the North Attleboro School District. Said payments to be made in accordance with the provisions of sections 9A, 9D and 9E of chapter 32B of the General Laws.

Approved November 24, 1999.

Chapter 150. AN ACT RELATIVE TO CERTAIN CAPITAL SPENDING AUTHORIZATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for certain capital spending authorizations for the fiscal year ending June 30, 1999, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for the continued availability of certain bond funded spending authorizations which otherwise would expire on June 30, 1999, the balances of the following appropriation items and any allocations thereof are hereby extended through June 30, 2000, for the purposes of and subject to the conditions stated for said items in the original authorizations and any amendments to such authorizations.

Appropriation

0330-8890	1102-7872	1102-8847	1102-9896	2120-9843
0330-8891	1102-7881	1102-8869	1102-9897	2122-8846
0332-8811	1102-7882	1102-8872	1102-9899	2130-8771
0431-8833	1102-7883	1102-8875	1201-8958	2150-7873
0521-0950	1102-7885	1102-8877	1593-0172	2150-7890
0526-9951	1102-7886	1102-8878	1599-8000	2150-7895
1100-1560	1102-7887	1102-8880	1790-8921	2150-9951
1100-8880	1102-7888	1102-8883	2100-8941	2150-9952
1102-0890	1102-7890	1102-8888	2120-7871	2200-7883
1102-6896	1102-7891	1102-8890	2120-7875	2200-7888
1102-7840	1102-7893	1102-8891	2120-7880	2200-9959
1102-7841	1102-7894	1102-8894	2120-7954	2240-8820
1102-7842	1102-7896	1102-8897	2120-7957	2240-8860
1102-7843	1102-7897	1102-8899	2120-8848	2250-1001
1102-7846	1102-7930	1102-9802	2120-8861	2250-7874
1102-7849	1102-8791	1102-9880	2120-8951	2250-8820
1102-7870	1102-8812	1102-9882	2120-9841	2250-8822
1102-7871	1102-8819	1102-9884	2120-9842	2250-8823

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		Appropriation		
2250-8844	2440-8840	3722-8898	5011-8801	5800-8120
2250-8863	2440-8843	3722-8899	5011-8811	5800-8300
2250-8864	2440-8848	3722-8900	5011-8812	5800-8400
2250-8865	2440-8950	3722-9030	5011-8841	5800-8610
2260-8840	2440-8951	4000-8000	5011-8842	5800-8810
2260-9881	2440-8952	4000-8100	5095-6870	5800-9000
2260-9882	2440-8956	4000-8200	5095-8870	5800-9999
2260-9884	2440-8958	4010-8831	5095-8872	5911-7894
2260-9885	2440-9812	4043-8870	5095-8874	6005-8880
2260-9886	2440-9843	4180-7890	5095-8875	6033-8051
2270-8772	2440-9844	4180-7891	5095-8877	7000-9952
2300-8840	2440-9846	4180-8941	5377-8841	7109-7893
2310-7880	2444-8842	4180-8942	5500-8100	7109-8848
2310-7891	2445-8958	4190-7881	5500-8300	7111-7891
2310-7892	2449-7350	4190-7883	5500-8400	7220-7893
2320-8843	2449-8755	4238-8871	5500-8500	7220-7894
2320-9880	2490-0010	4311-7880	5500-8600	7310-7893
2410-7872	2490-0012	4311-7881	5500-8700	7410-8958
2410-8802	2511-8942	4311-7890	5500-8800	7411-7894
2420-7880	2530-8958	4313-8841	5500-8893	7452-8958
2420-7881	2681-9029	4315-8841	5500-8900	7502-7957
2420-7882	3722-7870	4315-8891	5500-9000	7503-7892
2420-7884	3722-7871	4400-1111	5500-9100	7504-7892
2420-8936	3722-8864	4530-7880	5500-9200	7508-7871
2440-7848	3722-8865	4530-8300	5500-9220	7518-7871
2440-7875	3722-8866	4530-8400	5500-9230	7518-7892
2440-7882	3722-8871	4530-8500	5500-9240	8000-7950
2440-7890	3722-8872	4530-8600	5500-9250	8000-8958
2440-7892	3722-8873	4530-9999	5500-9400	8100-8958
2440-7895	3722-8874	4533-7890	5500-9410	8200-8842
2440-7896	3722-8875	4536-7880	5500-9430	8400-8958
2440-7898	3722-8891	4536-7890	5500-9999	9300-3902
2440-7957	3722-8892	4537-7891	5800-8100	9300-3905
2440-7958	3722-8894	4540-8881	5800-8110	9300-3909
2440-8802	3722-8896			

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the following bond funded appropriations are hereby reduced by the amount of the uncommitted balances in said appropriation items and any allocations thereof as of the day following the effective date of this act.

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		Appropriation		
0330-8969	2121-8886	6033-8802	6033-9570	7114-8968
0340-8968	2121-9884	6033-8811	6033-9581	7115-0963
1100-7983	2400-1962	6033-8829	6033-9619	7115-0964
1100-9510	2420-7962	6033-8831	6033-9797	7115-2960
1100-9515	2420-7965	6033-8839	6034-9601	7115-2961
1102-0960	2440-7846	6033-8848	6034-9602	7115-2962
1102-0962	2440-8882	6033-8849	6034-9609	7115-2963
1102-0963	2440-8883	6033-8850	7004-8968	7115-7961
1102-8860	2440-8887	6033-8860	7109-0960	7116-2960
1102-8861	2440-8888	6033-8869	7109-2960	7116-2961
1102-9883	2440-8964	6033-8879	7109-2961	7117-2960
1595-0064	2511-1966	6033-8889	7109-2962	7117-2961
1599-0031	2511-8881	6033-8890	7109-2963	7117-2962
1599-7957	4001-8860	6033-9111	7109-2964	7117-2963
1599-7963	6000-7969	6033-9119	7110-0961	7118-2960
1599-9329	6000-8968	6033-9121	7110-2960	7118-2961
1599-9352	6001-9105	6033-9123	7110-2961	7118-7961
1600-1966	6001-9106	6033-9129	7110-2962	7395-8968
1790-8922	6001-9110	6033-9139	7110-2963	7400-6969
2000-6968	6001-9135	6033-9149	7111-2960	7410-2966
2000-8830	6001-9155	6033-9150	7111-2961	7410-2968
2000-8882	6001-9160	6033-9158	7111-2962	7505-8968
2000-8885	6001-9505	6033-9159	7111-2963	7508-2960
2000-8886	6001-9520	6033-9160	7111-2964	8095-1966
2000-8889	6001-9545	6033-9161	7111-2965	8100-9101
2000-8978	6001-9546	6033-9162	7111-2966	8100-9102
2095-8968	6006-9699	6033-9170	7111-2967	8100-9510
2100-7890	6006-8881	6033-9523	7112-0964	8400-9102
2121-8881	6033-8801	6033-9540	7114-2960	9519-8968
2121-8882				

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the uncommitted balances as of the day following the effective date of this act of the following bond funded allocation accounts shall be returned in the state accounting system to their original items of appropriation and each appropriation is hereby reduced by an amount equal to the total balance so returned to it.

Appropriation	Allocation Account	Appropriation	Allocation Account
0330-8890	0322-8890	0330-8890	0330-0890
0330-8890	0322-8891	0330-8890	0330-0891

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Appropriation	Allocation Account	Appropriation	Allocation Account
0330-8890	0330-0892	0431-8833	0431-9883
0330-8890	0330-0893	0431-8833	8700-8834
0330-8890	0330-0894	1100-8860	8312-0211
0330-8890	0330-0895	1100-8880	1102-3219
0330-8890	0330-0896	1102-0890	1000-0890
0330-8890	0330-0898	1102-0890	1101-0891
0330-8890	0330-0899	1102-7842	5911-7842
0330-8890	0330-1890	1102-7843	0810-7843
0330-8890	0330-1891	1102-7843	1102-3843
0330-8890	0330-1892	1102-7843	4180-7843
0330-8890	0330-1893	1102-7846	0431-7846
0330-8890	0330-1894	1102-7846	1107-7846
0330-8890	0330-1895	1102-7846	4180-7846
0330-8890	0330-1896	1102-7846	4190-7846
0330-8890	0330-1897	1102-7846	4532-7846
0330-8890	0330-1898	1102-7846	4533-7846
0330-8890	0330-1899	1102-7846	7110-7846
0330-8890	0330-2890	1102-7846	7114-7846
0330-8890	0330-2891	1102-7846	7115-7846
0330-8890	0330-2892	1102-7846	7116-7846
0330-8890	0330-3890	1102-7846	7410-7846
0330-8890	0330-3895	1102-7846	7502-7846
0330-8890	0330-4890	1102-7846	7503-7846
0330-8890	0330-5890	1102-7846	7506-7846
0330-8890	0330-5891	1102-7846	7508-7846
0330-8890	0330-5892	1102-7846	7511-7846
0330-8890	0330-5895	1102-7846	7512-7846
0330-8890	0330-5897	1102-7846	7516-7846
0330-8890	0330-6890	1102-7846	7518-7846
0330-8890	0330-7890	1102-7849	5800-7849
0330-8890	0330-7895	1102-7870	0431-7870
0330-8890	0330-9890	1102-7870	1102-0870
0330-8890	0330-9891	1102-7870	1102-3870
0330-8890	0330-9892	1102-7870	1102-7875
0330-8890	0330-9893	1102-7870	1102-9876
0330-8890	0330-9895	1102-7870	4510-7870
0330-8890	0330-9896	1102-7870	4531-7870
0330-8890	0330-9897	1102-7870	5011-8870
0330-8890	0330-9898	1102-7870	6020-7870
0330-8890	0330-9899	1102-7870	7115-0870
0330-8891	0330-6891	1102-7870	7310-7870

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Appropriation	Allocation Account	Appropriation	Allocation Account
1102-7870	7505-7870	1102-7894	4180-7894
1102-7870	7511-7870	1102-7894	7110-7894
1102-7870	7514-7870	1102-7894	7111-0894
1102-7870	8100-7870	1102-7894	7310-7896
1102-7870	8312-7870	1102-7894	7512-7894
1102-7872	0810-7872	1102-7894	8100-7894
1102-7872	1102-7877	1102-7897	1100-0897
1102-7872	1102-9872	1102-7930	1102-6930
1102-7872	3722-7872	1102-7930	1102-8930
1102-7872	7410-7871	1102-7967	8000-7967
1102-7881	4190-8881	1102-8791	7411-8793
1102-7881	4510-0881	1102-8812	4532-8812
1102-7881	7505-8881	1102-8819	1102-3819
1102-7881	9410-7881	1102-8819	1102-8823
1102-7883	1100-7883	1102-8819	2120-8818
1102-7883	1102-0883	1102-8819	2410-8811
1102-7883	1102-1883	1102-8819	5502-8811
1102-7883	1775-7883	1102-8819	8311-8811
1102-7883	4510-7885	1102-8819	8312-9812
1102-7883	4532-7883	1102-8819	8312-9816
1102-7883	4533-7883	1102-8847	1102-9847
1102-7883	7503-0883	1102-8847	1102-9849
1102-7883	7505-6883	1102-8847	7113-8847
1102-7883	7511-7883	1102-8847	7113-9847
1102-7886	1102-0886	1102-8847	7114-8847
1102-7886	1102-2886	1102-8847	7503-8847
1102-7886	1102-9886	1102-8847	7509-7847
1102-7886	4533-7886	1102-8847	7509-8847
1102-7886	4535-7886	1102-8847	8900-8847
1102-7886	4536-7886	1102-8862	1102-8865
1102-7886	7310-7886	1102-8862	4000-8862
1102-7886	7310-9886	1102-8862	4315-8862
1102-7886	7502-7886	1102-8862	8902-8859
1102-7886	7504-7886	1102-8862	8913-8862
1102-7886	7510-7886	1102-8862	8916-8862
1102-7887	4537-7887	1102-8862	8916-9862
1102-7888	9000-7888	1102-8862	8943-8862
1102-7890	1102-3895	1102-8869	1102-0869
1102-7890	1102-6895	1102-8869	8800-8869
1102-7893	4000-7893	1102-8872	4540-8872
1102-7893	7114-9893	1102-8877	8000-8877

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Appropriation	Allocation Account	Appropriation	Allocation Account
1102-8878	4314-8878	1102-8891	8800-8891
1102-8878	4314-9878	1102-8891	8915-8891
1102-8878	8900-9878	1102-8897	1102-0897
1102-8880	1102-5880	1102-8897	1102-1897
1102-8880	4532-8880	1102-8897	1102-2897
1102-8880	4533-8880	1102-8897	1102-3897
1102-8880	4536-8880	1102-8897	1102-4894
1102-8880	4537-8880	1102-8897	1775-8897
1102-8880	4540-8880	1102-8897	4532-8897
1102-8880	5181-8880	1102-8897	4533-8897
1102-8880	7111-8880	1102-8897	5011-8897
1102-8880	7113-8880	1102-8897	5012-8897
1102-8880	7115-8880	1102-8897	5095-8897
1102-8880	7220-8880	1102-8897	7113-8897
1102-8880	7416-8880	1102-8897	7115-0897
1102-8880	7505-8880	1102-8897	7115-8897
1102-8880	7511-8880	1102-8897	7117-8897
1102-8880	7516-0880	1102-8897	7118-8897
1102-8880	7518-8880	1102-8897	7502-0897
1102-8883	1102-4889	1102-8897	7502-8897
1102-8883	1102-6883	1102-8897	7506-8897
1102-8888	3722-8888	1102-8897	7509-8897
1102-8888	4510-8888	1102-8897	8000-8897
1102-8888	9222-8888	1102-8897	8400-8897
1102-8888	9421-8888	1102-8897	8800-8897
1102-8890	1102-1891	1102-8897	8800-9897
1102-8890	4180-8890	1102-8897	8912-8897
1102-8890	7502-8890	1102-8897	9400-8897
1102-8890	7506-8890	1102-9530	2200-9530
1102-8890	7510-8890	1102-9802	5011-9806
1102-8890	7511-8890	1102-9802	6020-9801
1102-8891	1104-8891	1102-9802	7502-9807
1102-8891	2120-8895	1102-9802	7509-9809
1102-8891	4510-8891	1102-9802	8312-9803
1102-8891	4533-8891	1102-9802	8400-8813
1102-8891	7114-8891	1102-9882	0330-1881
1102-8891	7115-0891	1102-9882	0330-2885
1102-8891	7117-8891	1102-9882	0330-3885
1102-8891	7509-0891	1102-9882	0330-5882
1102-8891	7511-8891	1102-9882	0330-5883
1102-8891	8700-8891	1102-9882	0330-9882

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Appropriation	Allocation Account	Appropriation	Allocation Account
1102-9882	0330-9885	1790-8921	1104-8928
1102-9882	0333-9882	1790-8921	1104-8929
1102-9882	1101-9882	1790-8921	1104-8930
1102-9884	7515-0884	1790-8921	1104-8931
1102-9884	7515-7884	1790-8921	1104-8932
1102-9884	7515-8884	1790-8921	1104-8933
1102-9884	7515-9884	1790-8921	1108-8921
1102-9896	4313-5895	1790-8921	1108-8922
1102-9896	4313-5896	1790-8921	1108-8925
1102-9896	4313-9896	1790-8921	1750-8925
1102-9896	4314-5896	1790-8921	1775-7821
1102-9896	8902-9896	1790-8921	1775-7822
1102-9896	8913-9896	1790-8921	1775-7893
1102-9896	8943-5896	1790-8921	1775-8923
1102-9896	8943-7896	1790-8921	1775-8925
1102-9896	8943-9896	1790-8921	1775-8926
1790-8921	0330-0304	1790-8921	1775-8927
1790-8921	0330-0306	1790-8921	1775-8928
1790-8921	0330-0307	1790-8921	1775-8929
1790-8921	0330-0308	1790-8921	1775-8933
1790-8921	0330-0309	1790-8921	2120-8922
1790-8921	0340-8923	1790-8921	4000-8923
1790-8921	0610-8922	1790-8921	4125-8921
1790-8921	0610-8924	1790-8921	4400-8921
1790-8921	1000-8921	1790-8921	4800-8921
1790-8921	1000-8922	1790-8921	4800-8922
1790-8921	1000-8923	1790-8921	5011-8924
1790-8921	1000-8924	1790-8921	8900-8921
1790-8921	1000-8925	1790-8921	9110-8926
1790-8921	1000-8926	1790-8921	9511-8927
1790-8921	1101-8925	1790-8921	9517-8928
1790-8921	1102-8921	1790-8921	9600-8927
1790-8921	1104-7821	1790-8978	0340-8978
1790-8921	1104-7822	1790-8978	0810-8878
1790-8921	1104-7893	1790-8978	1107-8978
1790-8921	1104-8921	1790-8978	1201-8778
1790-8921	1104-8922	1790-8978	1410-8978
1790-8921	1104-8923	1790-8978	4400-8878
1790-8921	1104-8924	1790-8978	7002-8978
1790-8921	1104-8926	2000-8963	2200-8963
1790-8921	1104-8927	2000-8963	2421-8963

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Appropriation	Allocation Account	Appropriation	Allocation Account
2120-7880	2120-4880	4000-8000	5000-8001
2120-7880	2120-6880	4000-8000	5011-8942
2120-7880	2121-7880	4000-8000	5911-8941
2120-7880	2122-7880	4000-8000	5911-8943
2120-7880	2122-7881	4000-8100	5911-8101
2120-7957	1102-7957	4000-8860	1102-8868
2120-7957	2000-7957	4000-8860	4000-8863
2120-8848	2120-7843	4000-8860	4008-8860
2120-8861	2121-8861	4000-8860	4016-8860
2122-8846	2122-8847	4000-8860	4021-8860
2122-8846	2123-8846	4000-8860	4052-8860
2122-8848	2123-8848	4000-8860	4060-8901
2240-8820	2000-8824	4000-8860	4311-8860
2240-8820	2240-8823	4000-8860	4344-8865
2240-8820	2240-9829	4000-8860	4344-8866
2250-8844	2250-8845	4000-8860	4344-8867
2250-8865	2250-8868	4000-8860	4344-8868
2250-8881	2000-9745	4000-8860	4344-8869
2260-8840	2260-8841	4000-8860	4344-8888
2260-9881	1102-9885	4000-8860	8900-1835
2260-9886	1102-8886	4010-8831	1102-8831
2260-9965	0810-9965	4010-8831	1102-8833
2260-9965	2520-3001	4010-8831	4015-8831
2300-8840	2300-8841	4010-8831	4015-8832
2300-8881	2300-8883	4010-8831	4015-8833
2300-8970	2511-8970	4010-8831	4015-8834
2410-7872	2000-7874	4010-8831	4016-8832
2410-7872	2411-7872	4010-8831	4022-8831
2420-7882	2421-7882	4010-8831	4030-8831
2420-7882	2422-7882	4010-8831	4040-8831
2440-8802	2441-8802	4010-8831	4041-8831
2440-8885	2442-8885	4010-8831	4042-8831
2440-8952	2441-8952	4010-8831	4045-8901
2444-8842	2445-8842	4010-8831	4050-8831
2449-7350	2449-7351	4010-8831	4051-8831
2490-0010	2490-0011	4010-8831	4060-8831
2490-0013	2490-8882	4010-8831	4075-8831
2490-0013	2490-8883	4010-8831	4080-8831
2490-0013	2490-8884	4010-8831	4090-8831
2490-0013	2491-8881	4010-8831	4090-8832
4000-8000	1104-8000	4010-8831	4095-8831

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4010-8831	4096-8831	4530-8400	4530-8403
4010-8831	4099-8831	4530-8400	4530-8404
4010-8831	8900-8831	4530-8400	4530-8405
4010-8831	8900-8832	4530-8400	4530-8406
4043-8870	4043-8871	4530-8400	4530-8408
4180-7891	4180-0891	4530-8400	4530-8409
4180-7891	4180-7895	4530-8500	4530-8501
4180-7891	4180-9891	4530-8500	4530-8502
4180-8941	4180-6941	4530-8500	4530-8503
4180-8941	4180-7941	4530-8500	4530-8504
4190-7883	4190-8883	4530-8500	4530-8505
4190-7883	4190-9883	4530-9999	4530-8999
4200-8968	4200-8966	4533-7890	4533-4890
4200-8968	4238-4881	4533-7890	4533-5890
4200-8968	4238-5881	4533-7890	4533-8890
4200-8968	4238-7968	4533-7890	4533-9890
4238-8871	4238-5871	4536-7890	4536-8890
4238-8871	4238-6871	4540-8881	4540-9881
4238-8871	4238-7871	4800-8950	4000-8950
4238-8871	4238-9871	5011-8811	5483-8811
4311-7880	4311-9885	5011-8811	5483-8812
4311-7880	8912-7880	5011-8811	5483-9811
4311-7880	8916-7880	5011-8811	5781-8811
4311-7890	8911-0890	5011-8811	5883-8812
4311-7890	8911-1890	5011-8811	5883-8816
4311-7890	8911-2890	5011-8811	5883-8817
4311-7890	8911-9890	5011-8811	5911-8811
4311-7890	8914-7890	5011-8812	5011-8817
4315-8891	4315-5891	5011-8812	5011-9812
4315-8891	8912-8891	5011-8812	5011-9815
4315-8891	8915-0891	5011-8812	5911-0812
4315-8891	8915-1891	5011-8812	5911-8812
4315-8891	8915-7891	5011-8812	5911-8819
4315-8891	8915-9891	5011-8842	5012-8841
4400-1111	1000-1111	5011-8842	5012-8842
4400-1111	1101-1111	5011-8842	5183-8842
4400-1111	1104-1111	5011-8842	5183-8845
4400-1111	1775-1111	5011-8842	5283-8847
4400-1111	1790-1111	5011-8842	5383-8848
4530-8400	4530-8401	5011-8842	5783-8843
4530-8400	4530-8402	5011-8842	5883-7845

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Appropriation	Allocation Account	Appropriation	Allocation Account
5011-8842	5883-8843	5500-8400	5500-8410
5011-8842	5883-8844	5500-8500	5500-8501
5011-8842	5883-8849	5500-8500	5500-8502
5011-8842	5911-6842	5500-8600	5500-8601
5011-8842	5911-8842	5500-8600	5500-8602
5011-8842	5911-8845	5500-8600	5500-8603
5011-8842	5911-9842	5500-8600	5500-8604
5095-6870	1000-6870	5500-8600	5500-8605
5095-8870	5095-0872	5500-8600	5500-8606
5095-8872	5095-0879	5500-8700	5500-8701
5095-8872	5095-3872	5500-8700	5500-8702
5095-8872	5095-5871	5500-8700	5500-8703
5095-8875	5095-1875	5500-8800	5500-8801
5095-8875	5095-3876	5500-8893	5500-9893
5095-8875	5095-4875	5500-8900	5500-8941
5095-8875	5095-6875	5500-8900	5500-8942
5095-8875	5095-7875	5500-8900	5500-8943
5095-8877	5095-3871	5500-8900	5500-8944
5377-8841	5377-6841	5500-8900	5500-9901
5377-8841	5377-7841	5500-9000	5500-9940
5377-8841	5377-9841	5500-9000	5500-9941
5500-8100	5500-8101	5500-9000	5500-9942
5500-8100	5500-8102	5500-9000	5500-9943
5500-8300	5500-8301	5500-9000	5500-9944
5500-8300	5500-8302	5500-9000	5500-9945
5500-8300	5500-8303	5500-9000	5500-9946
5500-8300	5500-8304	5500-9000	5500-9947
5500-8300	5500-8305	5500-9000	5500-9948
5500-8300	5500-8306	5500-9100	5500-9101
5500-8300	5500-8307	5500-9100	5500-9102
5500-8300	5500-8308	5500-9100	5500-9103
5500-8300	5500-8309	5500-9100	5500-9104
5500-8400	5500-8401	5500-9100	5500-9105
5500-8400	5500-8402	5500-9100	5500-9106
5500-8400	5500-8403	5500-9100	5500-9107
5500-8400	5500-8404	5500-9220	5500-9221
5500-8400	5500-8405	5500-9220	5500-9222
5500-8400	5500-8406	5500-9220	5500-9223
5500-8400	5500-8407	5500-9220	5500-9224
5500-8400	5500-8408	5500-9230	5500-9252
5500-8400	5500-8409	5500-9400	5500-9401

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Appropriation	Allocation Account	Appropriation	Allocation Account
5500-9400	5500-9402	6033-9116	2120-9116
5800-8300	5800-8301	6033-9117	0810-9117
5911-7894	5911-2894	6033-9117	0910-0201
5911-7894	5911-3894	6033-9117	1000-9117
5911-7894	5911-4894	6033-9117	1000-9118
5911-7894	5911-5894	6033-9117	2200-0202
5911-7894	5911-5895	6033-9117	6000-1938
5911-7894	5911-6894	6033-9513	8100-9513
5911-7894	5911-8894	6033-9513	9200-9513
5911-7894	5911-9894	6033-9517	0910-9517
5911-7894	5911-9895	6033-9517	2200-9517
6001-8800	6001-8830	6033-9518	6033-9509
6033-8051	2200-0200	6033-9617	6033-0005
6033-8051	2511-8089	6033-9617	6033-0006
6033-8051	6031-8861	6033-9617	6033-0007
6033-8051	6033-8049	6033-9617	6033-0008
6033-8051	6033-8050	6033-9617	6033-0009
6033-8051	6033-8057	6033-9617	6033-0010
6033-8051	6033-8058	6033-9617	6033-0012
6033-8051	6033-8059	6033-9617	6033-0013
6033-8051	6033-8060	6033-9617	6033-0015
6033-8051	6033-8068	6033-9617	6033-0016
6033-8051	6033-8069	6033-9617	6033-0017
6033-8051	6033-8070	6033-9617	6033-0018
6033-8051	6033-8078	6033-9617	6033-0019
6033-8051	6033-8080	6033-9617	6033-0021
6033-8051	6033-8088	6033-9660	2200-9660
6033-8051	6033-8089	6033-9669	6033-0026
6033-8051	6033-8098	6033-9669	6033-0028
6033-8821	0810-8817	6033-9669	6033-0030
6033-8821	6033-8817	6033-9669	6033-0031
6033-8821	6033-8837	6033-9669	6033-0032
6033-8821	9410-8821	6033-9669	6033-0037
6033-8888	2000-8206	6033-9669	6033-0038
6033-8888	6006-8885	6033-9716	0526-9716
6033-9113	2000-9113	6035-9513	2120-0001
6033-9113	2120-9113	6035-9513	2120-9513
6033-9113	9200-9113	6035-9513	2410-9513
6033-9115	0810-9115	6035-9513	8400-9513
6033-9115	2410-9115	6035-9515	6035-0044
6033-9116	0810-9116	6035-9516	6035-0032

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Appropriation	Allocation Account	Appropriation	Allocation Account
6035-9516	6035-0036	7118-7962	7118-9962
6035-9516	6035-0037	7220-7893	7220-9893
6035-9516	6035-0038	7310-0960	7310-0964
6035-9516	6035-0041	7410-7960	7410-7961
6035-9516	6035-0042	7410-7960	7410-8960
6035-9516	6035-0043	7411-7894	7411-8894
6035-9516	9200-9516	7411-7960	7411-7961
6035-9517	0910-9717	7452-7960	0511-7960
6035-9517	6035-0007	7452-7960	7452-9960
6035-9517	6035-0008	7502-0960	7502-1960
6035-9517	6035-0011	7504-7961	7504-7842
6035-9517	6035-0012	7508-7871	7508-0871
6035-9517	6035-0013	7508-7871	7508-6871
6035-9517	6035-0014	7508-7871	7508-7872
6035-9517	6035-0015	7508-7871	7508-9871
6035-9517	6035-0017	7518-7892	7518-8892
6035-9517	6035-0027	8000-8958	8324-8958
6035-9569	6035-0018	8000-8958	8350-8958
6035-9569	6035-0019	8100-8958	2350-0107
6035-9569	6035-0021	8100-8958	8950-0003
6035-9569	6035-0023	8195-8968	8100-8968
6035-9569	6035-0024	8200-8842	8000-9842
6035-9569	6035-0025	8200-8842	8100-9842
6035-9569	6035-0030	9300-3902	2120-8002
6036-9615	0810-8207	9300-3902	7416-3000
6036-9615	0810-9615	9300-3902	8312-8803
6036-9616	0810-9616	9300-3902	9300-1000
6036-9616	2120-9616	9300-3902	9300-1002
6036-9617	0810-9617	9300-3902	9300-1003
7109-7893	7109-8893	9300-3902	9300-1004
7109-8848	7109-0848	9300-3902	9300-1005
7109-8848	7109-5848	9300-3902	9300-1006
7109-8848	7109-6848	9300-3902	9300-1007
7109-8848	7109-7848	9300-3902	9300-1009
7109-8848	7109-9841	9300-3902	9300-1010
7109-8848	7109-9842	9300-3902	9300-1011
7110-0960	7110-0963	9300-3902	9300-1012
7114-0960	7114-0962	9300-3902	9300-1014
7117-0960	0810-0960	9300-3902	9300-1015
7117-0960	7117-0961	9300-3905	9300-3906
7117-0960	7117-0962	9300-3905	9300-3908
7117-0960	7117-0963		

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SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, the following bond funded appropriations are hereby reduced by the amount of the uncommitted and unallocated balances in said appropriation items as of the day following the effective date of this act. Balances recorded in the state accounting system in allocation accounts of said appropriation items as of said day shall remain available for expenditure until the expiration of said appropriation items and pursuant to the provisions of section 14 of chapter 29 of the General Laws.

2120-8883	2130-8772	2490-0013	6001-8800	6033-8821
2121-8883	2300-8881	4000-8860		

SECTION 5. Notwithstanding the provisions of any general or special law to the contrary, the following bond funded appropriations are hereby reduced by the amount specified below for each item. If an allocation account is specified below for an item, the reduction shall be reflected in the state accounting system in the allocation account.

Appropriation Item	Allocation Account	
1599-8000		\$94,900,000
2000-8883		\$3,000,000
2000-8966		\$3,000,000
2000-9962		\$2,000,000
2120-8881		\$9,400,000
2120-8883	2120-9883	\$2,500,000
2120-9842		\$1,000,000
2240-8820	2240-8829	\$2,500,000
2240-8860	2240-8861	\$4,000,000
2240-8860	2240-8862	\$10,000,000
2250-8820		\$4,000,000
2250-8820	2250-8821	\$750,000
2250-8864		\$3,000,000
2250-8865	2250-8866	\$1,000,000
2260-9882		\$24,000,000
2420-8936		\$16,000,000
2420-8961		\$8,000,000
2440-7895		\$1,200,000
2490-0017		\$28,750,000
6000-7967		\$50,000,000
6001-9655		\$20,000,000
6033-9539		\$5,000,000
6036-9698		\$93,000,000
7514-7960		\$8,000,000

SECTION 6. Section 4 of chapter 767 of the acts of 1970 is hereby amended by striking out the words "two thousand", inserted by section 35 of chapter 219 of the acts of

1991, and inserting in place thereof the following figures:- 2010.

SECTION 7. Section 4A of said chapter 767, inserted by section 36 of said chapter 219, is hereby amended by striking out, in line 10, the words "June thirtieth, nineteen hundred and ninety-five" and inserting in place thereof the following:- June 30, 2010.

SECTION 8. The second paragraph of section 10 of chapter 481 of the acts of 1976, is hereby amended by striking out, in lines 14 and 15, the words "two thousand and one" and inserting in place thereof the following:- June 30, 2021.

SECTION 9. Section 11F of chapter 723 of the acts of 1983, is hereby amended by striking out, in lines 8 and 9, the words "June thirtieth, nineteen hundred and ninety-eight" and inserting in place thereof the following:- June 30, 2009.

SECTION 10. Section 11T of said chapter 723 is hereby amended by striking out, in line 8, the words "June thirtieth, nineteen hundred and ninety-three" and inserting in place thereof the following:- June 30, 2009.

SECTION 11. Section 5 of chapter 786 of the acts of 1985 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Of the funds made available by the first paragraph, \$4,000,000 shall be set aside specifically for use by cities, towns, districts and water and sewer commissions for the installation of water meters and \$5,000,000 shall be set aside specifically for use by cities, towns, districts and water and sewer commissions for an accelerated program of meter rehabilitation or replacement.

SECTION 12. Section 126 of chapter 199 of the acts of 1987 is hereby amended by striking out, in line 7, the words "June thirtieth, nineteen hundred and ninety-two" and inserting in place thereof the following:- June 30, 2006.

SECTION 13. Section 131 of said chapter 199 is hereby amended by striking out, in lines 7 and 8, the words "June thirtieth, nineteen hundred and ninety-nine" and inserting in place thereof the following:- June 30, 2006.

SECTION 14. Section 12 of chapter 15 of the acts of 1988 is hereby amended by striking out, in line 12, the words "June thirtieth, two thousand and one" and inserting in place thereof the following:- June 30, 2011.

SECTION 15. Section 14 of said chapter 15 is hereby amended by striking out, in line 12, the words "June thirtieth, two thousand and one" and inserting in place thereof the following:- June 30, 2011.

SECTION 16. Section 20 of said chapter 15 is hereby amended by striking out, in lines 12 and 13, the words "June thirtieth, two thousand and one" and inserting in place thereof the following:- June 30, 2011.

SECTION 17. Section 93 of chapter 164 of the acts of 1988 is hereby amended by striking out, in line 7, the words "June thirtieth, nineteen hundred and ninety-three" and inserting in place thereof the following:- June 30, 2007.

SECTION 18. Section 96 of said chapter 164 is hereby amended by striking out, in line 7, the words "June thirtieth, two thousand" and inserting in place thereof the following:- June 30, 2007.

SECTION 19. Item 6035-9516 of section 2 of chapter 273 of the acts of 1994 is hereby amended by striking out the wording and inserting in place thereof the following wording:

For projects, pursuant to the provisions of sections 53 and 115, on the federal aid highway system; provided, that notwithstanding the provisions of any general or special law, including any other provision of this act, to the contrary, the department of highways shall not enter into any obligations for projects which are eligible to receive federal funds pursuant to the authority granted under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the state portion of such obligation; provided further, that said department shall only enter into obligations for such projects pursuant to the authority granted in this act based upon the prior commitment of sufficient federal funds and the availability of state funds authorized or appropriated for such use by the general court for the class and category of project for which such obligation applies; provided further, that an amount not to exceed \$30,000,000 shall be expended for the purpose of geometric modifications necessary to improve the efficiency of traffic at the Sagamore rotary, so-called, in the town of Bourne; provided further, that sums provided herein may be expended for the costs of such projects including, but not limited to, the costs of engineering and other services essential to such projects rendered by department employees or by consultants; provided further, that amounts expended for department employees may include the salary and salary related expenses of such employees to the extent that they work on or in support of such projects provided that such expenses are federally reimbursable; and provided further, that the commissioner of highways shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item.

SECTION 20. Item 6033-9517 of section 2A of said chapter 273 of the acts of 1994, as most recently amended by section 42 of chapter 205 of the acts of 1996, is hereby further amended by striking out the wording and inserting in place thereof the following wording:-

For the design of, construction of, repair of or improvement to nonfederally aided roadway projects pursuant to section 53; provided, that the costs of roadway resurfacing shall not be charged to this item unless such resurfacing is incidental to such roadway projects; provided further, that \$10,000,000 shall be expended for the Commercial street/Corporation way connector road in the cities of Malden and Medford; provided further, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that such costs shall not be classified as administrative costs; provided further, that an amount not to exceed 2 per cent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; and provided further, that the commissioner of highways shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item.

SECTION 21. Item 6033-9569 of said section 2A of said chapter 273 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For the design of, reconstruction of or improvement to highway bridges and other bridges, including the testing, removal and encapsulation of lead-based paint, pursuant to section 53; provided, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that such costs shall not be classified as administrative costs; provided further, that an amount not to exceed 2 per cent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; and provided further, that the commissioner of highways shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item.

SECTION 22. Section 8 of chapter 134 of the acts of 1995 is hereby repealed.

SECTION 23. Section 5 of chapter 11 of the acts of 1997 is hereby amended by striking out the second paragraph.

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SECTION 24. Section 9 of said chapter 11 of the acts of 1997, as appearing in section 1 of chapter 121 of the acts of 1998, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following paragraph:-

The notes and the interest thereon issued under the authority of this section shall be issued as special obligations secured by the Federal Highway Grant Anticipation Note Trust Fund in accordance with this act.

SECTION 25. Section 1 shall take effect on June 30, 1999.

Approved November 30, 1999.

Chapter 151. AN ACT RELATIVE TO THE DEPARTMENT OF PUBLIC HEALTH IN THE CITY OF BOSTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith certain long-term leases for offices of the department of public health in the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 269 of the acts of 1998 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The commissioner of the division of capital asset management and maintenance, in consultation with the department of public health, may, notwithstanding the first to the fifth paragraphs, inclusive, but subject to the sixth paragraph of section 40G of chapter 7 of the General Laws, and subject to the provisions of this act, negotiate and enter into a lease or leases for a term not to exceed 20 years for premises to be occupied for use as offices by the department of public health in the Dudley Square Economic Redevelopment District in the city of Boston, hereinafter referred to as the project. The lease or leases so negotiated shall provide for an option to be exercised by the commissioner to extend said lease or leases for an additional term of not more than ten years for all or any portion of such land, buildings, and improvements as may be selected by said commissioner pursuant to sections 40E to 40F½, inclusive, said sixth paragraph of said section 40G, and sections 40H to 40L, inclusive, of said chapter 7, and section 3 of this act. Said district, as delineated by the Boston redevelopment authority, includes all the land, buildings and improvements bounded on the northeast by Melnea Cass boulevard between Harrison and Shawmut avenues; on the southwest by St. James street between Warren and Washington streets; on the northwest by Shawmut avenue through Shawmut avenue to Shawmut avenue extension through to Washington street between Melnea Cass boulevard and St. James street. Included in said district shall be the land, buildings and improvements adjacent to, but outside of said boundaries, as well as all of the land, buildings and improvements within said boundaries.

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For purposes of this act, the word "division" shall mean the division of capital asset management and maintenance, the word "commissioner" shall mean the commissioner of said division, the word "department" shall mean the department of public health, and the word "agency" shall mean the Massachusetts Development Finance Agency.

SECTION 2. Section 2 of said chapter 269 is hereby amended by striking out clause (b) and inserting in place thereof the following clause:- (b) that the total occupancy cost, including rent and all other charges, paid by the commonwealth under the lease shall not exceed \$38.25 per usable square foot in the first year of the lease, and any subsequent increase in the annual cost of the lease shall be limited to the extent of the actual increase in operating costs, as defined by the lease; provided, that no such increase in the annual cost of said lease shall be attributable to capital repairs or improvements.

SECTION 3. Said section 2 of said chapter 269 is hereby further amended by striking out clause (h) and inserting in place thereof the following seven clauses:-

(h) that the lease shall provide for a total of 400 secure parking spaces in a parking garage appurtenant to the project for use by the employees of and visitors to the department; provided, however, that said garage shall be situated within 1000 feet of the project and if situated more than 300 feet from the project, the lease shall provide the department with the right to require free shuttle service from the owner;

(i) that the lease shall provide for an option for the commissioner to enter into the lease or leases with the developer or owner, as the case may be, of the property at 9 to 17 Warren street and at 2260 to 2272 Washington street in the Dudley Square Economic Redevelopment District, or if said property is acquired, financed by or otherwise the subject of any other agreements of or with the Massachusetts Development Finance Agency, to enter into a lease or leases with said agency;

(j) that the lease shall include an option for the commonwealth to purchase the leased premises and the building in which they are located from the lessor for \$1;

(k) that the lease payment shall include the cost of a payment in lieu of taxes agreement with the city of Boston which shall not exceed \$250,000 per year, and which shall be used by the city of Boston to fund improvements in the Dudley Square Economic Redevelopment District; provided, however, that such investment in the area shall not supplant routine or scheduled maintenance, salaries, utility, or the costs of other city services incurred by said city in said district;

(l) that the lease shall be conditioned on the commitment by the city of Boston to fund any costs of the developer or the landlord, as the case may be, that are necessary to cover the development costs, including improvements, renovations, transaction costs, and reasonable return on investment, in the event that said costs exceed \$38.25 per usable square foot of space;

(m) that the lease shall be conditioned on the payment by the city of Boston of such amounts and in such form as specified in the Memorandum of Agreement dated June 24, 1999; and

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(n) that the lease shall contain such other terms as shall be required by the commissioner.

SECTION 4. Said section 2 of said chapter 269 is hereby further amended by striking out the second and third sentences.

SECTION 5. Said chapter 269 is hereby further amended by inserting after section 2 the following section:-

Section 2A. At the discretion of the secretary of administration and finance, the lease or leases authorized by this act may include, in addition to the provisions established in section 2, an option pursuant to which the Massachusetts Development Finance Agency may purchase the leased premises and the building in which it is located. The purchase price thereof shall be negotiated by the agency and the lessor at the time the option is exercised, with the approval of the secretary of administration and finance. If the lease or leases contain such an option, the following terms shall be included: (1) said option may be exercised no earlier than the commencement of the lease term and no later than 24 months after the commonwealth's occupancy of the leased premises; (2) if the agency exercises said option, in no event shall the total occupancy cost paid by the commonwealth exceed the amount established by clause (b) in section 2; and (3) upon the conclusion of the lease term and any extensions thereof, the commonwealth shall have the option to purchase the leased premises and the building in which the agency is located from the agency for \$1.

If said option is exercised, for the purposes of any tax exempt bonds to be issued to finance the leased premises, including the purchase thereof and any and all renovations and improvements as contemplated hereunder, said bonds shall be issued by the agency pursuant to chapter 23G of the General Laws and for said purpose, the project shall be considered an institution under said chapter 23G. If said agency exercises said option and purchases the leased premises, notwithstanding the provisions contained herein, said agency shall not have any of the obligations, duties or liabilities of lessor, owner or landlord, and all of said obligations, duties and liabilities shall remain with the person or persons, including, if applicable, the commonwealth, from whom said agency purchased the premises pursuant to the exercise of said option.

SECTION 6. Section 4 of said chapter 269 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Such lessor shall be responsible for, and shall indemnify the commonwealth from and against, all costs and liabilities associated with the environmental condition of the properties in which the leased premises are located; provided, that in the event such lessor, or the city of Boston, is unable to satisfy the terms of this section, the commonwealth may exercise a termination clause which shall be established in the lease.

SECTION 7. Said chapter 269 is hereby further amended by adding the following section:-

Section 5. For the term of the lease, including any extension periods, and in the event that the commonwealth or the agency exercises, pursuant to section 2A, an option to purchase the leased premises and the building in which the agency is located, neither the

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commonwealth nor the agency shall be deemed to be a responsible party, as defined by chapter 21E of the General Laws, for any response actions required at the leased premises or at the Modern Electroplating site, so-called.

SECTION 8. Notwithstanding any other general or special law to the contrary, the commissioner of the division of asset management and maintenance may enter into negotiations with owners of properties in the city of Boston in which, as of May 1, 1999, the commonwealth leases space for use by the department of public health to extend or otherwise modify leases to facilitate the timely occupancy of a new facility in Dudley Square, on terms and conditions as the commissioner deems to be in the interest of the commonwealth, subject to the approval of the secretary of administration and finance.

SECTION 9. The Memorandum of Agreement dated June 24, 1999 among and between the department of public health, the division of capital asset management and maintenance, the executive office of administration and finance, the Boston Redevelopment Authority, and Raymond Dudley LLC, as it may be amended from time to time, shall establish the rights and obligations of the parties thereto to the extent not determined by this act. The parties shall amend said memorandum forthwith to incorporate the provisions of this act and to add the Massachusetts Development Finance Agency as a party to said memorandum.

SECTION 10. As a condition of requiring the department of public health to occupy new premises at Dudley Square, the secretary of administration and finance shall negotiate an agreement with the department of public health to make available an amount sufficient to purchase or lease equipment and office furnishings for the occupancy of said premises in an amount not to exceed \$2,700,000. Any lease or lease-purchase agreement established for this purpose shall not exceed a term of seven years and the amount payable thereunder shall not exceed said \$2,700,000, not including the costs of financing said lease or lease-purchase. Fulfilling the terms of said agreement shall not require an appropriation to be made by the general court from the operating funds of the commonwealth.

SECTION 11. Sections 1 to 6, inclusive, of this act shall take effect as of August 10, 1998.

Approved December 2, 1999.

Chapter 152. AN ACT AUTHORIZING THE RETIREMENT BOARD OF THE CITY OF SALEM TO GRANT CERTAIN RETIREMENT BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary and in order to promote the public good, the retirement board of the city of Salem shall pay Marlene F. Soucy, the surviving spouse of Paul L. Soucy, a former custodian for the Salem public schools, retirement benefits as of May 27, 1997, equal to the benefits

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which would have been paid to her had said Paul L. Soucy been retired for ordinary disability as of said date and had elected to receive a pension or retirement allowance under the provisions of option (c) of subdivision (2) of section 12 of chapter 32 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved December 2, 1999.

Chapter 153. AN ACT MAKING CERTAIN CORRECTIVE CHANGES TO THE GENERAL APPROPRIATION ACT FOR FISCAL YEAR 2000.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make certain corrective changes to the general appropriation act for fiscal year 2000, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 127 of the acts of 1999 is hereby amended by inserting after the line "MENDON UPTON 4,416,339 136,026" the following four lines:-

MINUTEMAN	2,325,613	-
MOHAWK TRAIL	6,870,274	-
MONTACHUSETTS	6,563,198	-
MOUNT GREYLOCK	1,869,080	-

SECTION 2. Section 23 of said chapter 127 is hereby amended by striking out the definition of "Dedicated sales tax revenue amount" and inserting in place thereof the following definition:-

"Dedicated sales tax revenue amount", all monies received by the commonwealth equal to 1 per cent of the gross receipts of a sale as defined by the provisions of chapter 64H and 1 per cent of the sales price of a purchase as defined by the provisions of chapter 64I from that portion of the taxes imposed under the provisions of said chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of services, and upon the storage, use or other consumption of tangible property or of services, including interest thereon or penalties but not including any portion of such taxes imposed on the sale of meals as defined in paragraph (h) of section 6 of said chapter 64H.

SECTION 3. Section 1 shall take effect as of July 1, 1999.

Approved December 2, 1999.

Chapter 154. AN ACT RELATIVE TO THE DRACUT WATER SUPPLY DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 433 of the acts of 1905 is hereby amended by striking out section 11, as amended by section 1 of chapter 683 of the acts of 1977, and inserting in place thereof the following section:-

Section 11. The Dracut Water Supply District shall, after the acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said district may impose by its vote. Said district shall at its next annual meeting and at every third annual meeting thereafter elect by ballot a clerk for a term of three years. Said commissioners shall appoint a treasurer of said district who shall not be one of their number, who shall give bonds to the district to such an amount and with such sureties as may be approved by the commissioners; and a majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board or in the office of clerk from any cause may be filled for the remainder of the unexpired term by said water district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make to said district a full report in writing of their doings and expenditures.

SECTION 2. Said chapter 433 is hereby further amended by inserting after section 11 the following section:-

Section 11A. (a) Any holder of an elective office, with more than six months remaining in the term for which he was elected, may be recalled therefrom by voters in the manner provided in this section.

(b) One hundred or more voters may file with the clerk of the Dracut Water Supply District an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. Said clerk shall thereupon deliver to said voters petition blanks demanding such recall, printed forms of which he shall keep available. The blanks shall be issued by said clerk with his signature and official seal attached thereto. They shall be dated and addressed to the board of commissioners, shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of said clerk. The recall petition shall be returned and filed with said clerk within 20 days following the date of the filing of the affidavit and shall have been signed by at least ten per

cent of the voters and shall contain their names and addresses. Said clerk shall, within 24 hours of receipt of the petition, submit the number of signatures that are names of voters.

(c) If the petition shall be certified by said clerk to be sufficient, he shall forthwith submit the same with his certificate to the board of commissioners. Upon its receipt of the certificate, the board of commissioners shall forthwith give written notice of such petition and certificate to the officer whose recall is sought. If said officer does not resign his office within five days after delivery of such notice, the board of commissioners shall order an election to be held not less than 60 nor more than 90 days after the date of the clerk's certificate of the sufficient petition. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section and the ballots for candidates, notwithstanding a recall provision to the contrary, shall be counted.

(d) Any officer whose recall is sought may not be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of the law relating to elections, unless otherwise provided in this section.

(e) Ballots used in recall elections shall state the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition, there shall be a place to vote for either of said propositions. After the proposition shall appear the word "candidates" and the names of the candidates nominated as required in section 42 of chapter 54 of the General Laws. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question is in the negative, the ballots for candidates need not be counted, except as provided in subsection (c).

(f) The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section. If he is recalled in the election, he shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

(g) No recall petition shall be filed against an officer within three months after he takes office, or in the case of an officer subjected to recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

SECTION 3. Section 12 of said chapter 433 is hereby amended by adding the following sentence:- No person appointed pursuant to this section, including, but not limited to, the superintendent, shall be a commissioner.

SECTION 4. Section 3 shall take effect upon the election for commissioner of the district to be held in the year 2001.

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SECTION 5. Section 1 shall take effect on February 1, 2000.

SECTION 6. The remaining provisions of this act shall take effect upon its passage.

Approved December 9, 1999.

Chapter 155. AN ACT RELATIVE TO THE WORCESTER FIREMEN'S RELIEF ASSOCIATION.

Be it enacted, etc., as follows:

The Worcester Firemen's Relief Association, a corporation duly established under the laws of the commonwealth, may, upon the death of any member in good standing, pay to the beneficiary of such member a sum not to exceed \$10,000, as may be determined by vote of said corporation, and upon the retirement of any member in good standing, a sum not to exceed one-half of the death benefit as may be determined by vote of the corporation. Membership in the association shall be limited to members and retired members of the fire department of the city of Worcester and clerks and mechanics of said fire department.

Approved December 9, 1999.

Chapter 156. AN ACT EXEMPTING THE POSITION OF DEPUTY CHIEF OF POLICE IN THE TOWN OF MILTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of deputy chief of police in the town of Milton shall be exempt from the provisions of chapter 31 of the General Laws.

SECTION 2. The provisions of section 1 shall not impair the civil service status of the person holding the position of deputy chief of police in the town of Milton on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved December 16, 1999.

Chapter 157. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE OF THE CITY OF WALTHAM FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

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SECTION 1. The position of chief of the police department of the city of Waltham shall not be subject to the provisions of chapter 31 of the General Laws.

SECTION 2. Section 1 shall not affect the civil service status of any person holding the office of the chief of police of the city of Waltham on the effective date of this act.

SECTION 3. This act shall not affect the civil service status of any other member of the police department of the city of Waltham.

SECTION 4. Any person who is appointed to the position of chief of police from his position as a police ranking officer of the city of Waltham shall be entitled to retain certain civil service rights as follows: if such person resigns from the position of chief of police, he shall be entitled to an appointment to his previous rank in said police department, but any conduct of such person that occurred while serving as chief of police that led to his resignation shall become part of his record in his previous rank and shall render him subject to any civil service disciplinary proceeding upon his reappointment to his previous rank. Upon such reappointment, he shall re-obtain whatever civil service rights and status he had as of the date he was appointed to the position of chief of police.

SECTION 5. This act shall take effect on February 1, 2000.

Approved December 16, 1999.

Chapter 158. AN ACT RELATIVE TO PAYMENT OF LOCAL REAL ESTATE TAXES AND THE BROWNFIELDS ADVISORY GROUP.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to provide forthwith for the payment of actual real estate tax bills in certain cities or towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 28 of chapter 23G of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 46, the words "section 31 of chapter 23A" and inserting in place thereof the following word:- section 2.

SECTION 2. Subsection (n) of section 29A of said chapter 23G, as so appearing, is hereby amended by adding the following sentence:- Subsection (d), subsections (f) to (i), inclusive, and subsection (l) of section 2 shall also apply to the members and affairs of the brownfields advisory group.

SECTION 3. Section 59A of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following two sentences:- A city or town that accepts this section shall adopt an ordinance or by-law specifying the method for negotiating and approving agreements under this section.

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Copies of each such agreement shall be signed by the municipal officer required by the ordinance or by-law and by the owner of the property in question, notarized, attested to by the city or town clerk, and provided to the department of environmental protection, the federal Environmental Protection Agency, the commissioner, the city council or board of selectmen, and the owners of the property in question.

SECTION 4. (a) Notwithstanding the provisions of section 57C of chapter 59 of the General Laws or any other general or special law, rule or regulation to the contrary, for fiscal year 2000, an actual real estate tax bill issued upon the establishment of the tax rate for the fiscal year, after credit is given for any preliminary tax payments previously made, shall be due and payable in two installments. The first installment shall be due and payable on February 1, 2000, or 30 days after the actual real estate tax bills are mailed, whichever is later, and the second installment shall be due and payable on May 1, 2000, after which dates, if unpaid, they shall become delinquent.

(b) If the actual real estate tax bills issued in fiscal year 2000 are not mailed by January 15, 2000, then upon the establishment of the tax rate there shall be a single actual tax bill due and payable on May 1, 2000, or 30 days after the date of the mailing, whichever is later. Such tax bill shall represent the full balance owed after credit is given for the preliminary tax payments previously made.

(c) This section shall apply to a city or town that accepts it by vote of its city or town council, subject to its municipal charter, or its board of selectmen.

Approved December 17, 1999.

Chapter 159. AN ACT RELATIVE TO SEWER ASSESSMENTS IN THE CITY OF ATTLEBORO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 13 of chapter 80 of the General Laws, sewer betterment assessments made by the city of Attleboro shall bear interest at a rate of from 0 per cent to 2 per cent above the rate chargeable to said city for sewer projects.

SECTION 2. Section 1 shall apply to all sewer assessments made on and after December 1, 1998.

Approved December 22, 1999.

Chapter 160. AN ACT AUTHORIZING THE CITY OF BEVERLY TO CONVEY CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. The city of Beverly, acting by and through its mayor, is hereby authorized to convey, by deed approved as to form by its city solicitor, two parcels of land located in the city to Holly L. Wyner, trustee, for single family residential purposes. The parcels are shown as lots 1 and 2 on a plan of land entitled "Subdivision Plan Property of the city of Beverly and the Beverly Regional Young Mens' Christian Association located off Essex street", dated April 14, 1982, recorded with the Essex county registry of deeds in Plan Book 173, Plan 88.

There shall be excluded from the above conveyance a certain portion of Lot 1 bounded and described as follows:-

SOUTHERLY by Essex Street as shown on said plan, Fifty One and 77/100 feet (51.77'),

EASTERLY by land now or formerly of Norman H. DesLauriers and Beatrice Deslauriers and by land now or formerly of James L. Dallas and Betty P. Dallas, a combined distance of Three Hundred Twenty Three and 76/100 feet (323.76'),

NORTHERLY by the "50 -Ft. Wide Right of Way" portion of Parcel C-2, and

WESTERLY by the remaining portion of Lot 1.

The retention of this portion of lot 1 by the city of Beverly is to maintain a right of access to the city landfill, and for other public purposes, and shall be treated and considered for purposes of compliance with the zoning ordinance of the city as an acquisition of a portion of the lot for a public purpose, as set forth in section 29-5 F.2. of the zoning ordinance. The lot shall be considered and treated for purposes of size, shape, ownership, height, area, yard and off-street parking requirements as if the easement area were part of lot 1. Lot 1 shall have the benefit of section 29-5 I.g. of the zoning ordinance, as set forth in the ordinance, and subject to the terms and limitations therein provided. The easement area shall be subject to a non-exclusive easement appurtenant to the ownership of lots 1 and 2 for residential driveway purposes only, which easement shall not be conveyed or otherwise transferable except as appurtenant to the lots. The parcels of land to be conveyed by the city to Holly L. Wyner, Trustee contain approximately 1.61 acres.

SECTION 2. In consideration for the conveyance authorized in section 1, Holly L. Wyner, trustee, shall convey to the city of Beverly two parcels of land located in the city. The parcels are shown as lots 20 and 21 on a plan of land entitled "Definitive Subdivision of Land located in Beverly, Massachusetts, Prepared for K&L; Realty Trust", dated January 26, 1999 which is on file with the planning department and the city engineer. The parcels of land to be conveyed to the city contain approximately 1.66 acres and are of value equal to or greater than that of the parcels described in section 1, as determined through procedures customarily accepted by the appraising profession as valid.

Approved December 22, 1999.

Chapter 161. AN ACT AUTHORIZING CERTAIN STRUCTURES TO BE EXEMPTED FROM CERTAIN HARBOR LINES IN THE CITY OF BOSTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for certain structures to be exempted from certain harbor lines, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public conveniencé.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections 14 and 34 of chapter 91 of the General Laws or any other general or special law to the contrary, the department of environmental protection may grant licenses or conditional licenses to the Massachusetts Bay Transportation Authority and to parties under contract with said authority to place, construct, maintain and repair platforms, barges, excavation support and silt curtains necessary to build the South Boston Piers Transitway Project, so-called, and for any water quality controls and mitigation associated therewith, and to construct, maintain and repair the Immersed Tunnel Tube, so-called, which projects are located in whole or in part beyond the harbor lines in the vicinity of the Fort Point channel in the city of Boston in Boston harbor established pursuant to section 1 of chapter 403 of the acts of 1939. A license issued by said department for the Immersed Tunnel Tube shall be permanent and a license issued by said department for the temporary pile-supported platforms and temporary barges, excavation support and silt curtains necessary to support the construction or mitigation of the South Boston Piers Transitway Project shall not exceed terms of five years. Said department may issue successive licenses for additional five-year terms as may be necessary for the continued viability of water-dependent business requiring the use of such temporary pile-supported platforms. The platforms shall be restricted in size to maximums of 50 feet wide and 75 feet long and shall be connected to the existing wharf by such other connecting docks as may be necessary. Nothing in this section shall be construed to exempt said projects from the substantive and procedural requirements of said chapter 91 and regulations promulgated thereunder, other than the exception permitted herein from the harbor line requirements of said sections 14 and 34 of said chapter 91.

SECTION 2. The approximate location of the exception to the harbor lines established pursuant to section 1 is shown on one or more plans titled, "The Establishment of Exceptions to the Harbor Lines at the Fort Point Channel for the South Boston Piers Transitway Project" and bearing the effective date of this act. The final plan showing the specific location of said project shall be incorporated in any waterways license issued pursuant to this act. Plans showing the approximate and the specific locations of said project shall be prepared for the department of environmental protection and shall be on file at said department for public inspection.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall prepare a report detailing the

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cost and completion date of the South Boston Piers Transitway Project, so-called. Said report shall include, but not be limited to, the initial estimated cost of said project, the current estimated cost of said project, projected cost overruns and estimate adjustments for said project, an explanation of said cost overruns and estimate adjustments for said project, and the estimated commencement and completion date of the various phases of said project including, but not limited to, mitigation. Such report shall be filed with the clerk of the house of representatives who shall forward the same to the chairmen of the joint committee on transportation, and the house and senate committees on ways and means not later than December 31, 1999.

SECTION 4. This act shall expire on December 31, 2006.

Approved December 22, 1999.

Chapter 162. AN ACT RELATIVE TO THE RURAL CEMETERY IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

Section 1 of chapter 17 of the acts of 1838 is hereby amended by striking out the words "containing not less than two hundred square feet".

Approved December 22, 1999.

Chapter 163. AN ACT REGULATING THE CONDUCT OF HORSE AND DOG RACING IN THE COMMONWEALTH

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the horse and dog racing industry in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 128C of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 112 and 113, the words "nineteen hundred and ninety-six through nineteen hundred and ninety-nine" and inserting in place thereof the following:- 1999 to 2000, inclusive.

SECTION 2. The first paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words "nineteen hundred and ninety-six through nineteen hundred and ninety-nine", inserted by section 9 of chapter 268 of the acts of 1995, and inserting in place thereof the following:- 1999 to 2000, inclusive.

SECTION 3. Said section 12A of said chapter 494 is hereby further amended by striking out the last paragraph, as most recently amended by section 10 of said chapter 268, and inserting in place thereof the following paragraph:-

Funds paid by licensees and deposited by the commission in the Greyhound Capital Improvements Trust Fund and in the Greyhound Promotional Trust Fund shall remain in said funds until expended under this section; provided, however, that any amount in said accounts as of December 31, 2000 which has not been so expended or as to which no binding commitment has been made by said trustees shall thereupon be deposited in the general fund.

SECTION 4. Section 13 of said chapter 494 is hereby amended by striking out the words "nineteen hundred and ninety-six through nineteen hundred and ninety-nine", inserted by section 11 of said chapter 268, and inserting in place thereof the following:- 1999 to 2000, inclusive.

SECTION 5. Section 15 of said chapter 494 is hereby amended by striking out the words "nineteen hundred and ninety-six through nineteen hundred and ninety-nine", inserted by section 12 of said chapter 268, and inserting in place thereof the following:- 1999 to 2000, inclusive.

SECTION 6. Section 9 of chapter 277 of the acts of 1986, as most recently amended by section 13 of said chapter 268, is hereby further amended by striking out the words "nineteen hundred and ninety-six through nineteen hundred and ninety-nine" and inserting in place thereof the following:- 1999 to 2000, inclusive.

SECTION 7. The first sentence of the first paragraph of section 3 of chapter 114 of the acts of 1991, as amended by section 14 of said chapter 268 is hereby further amended by striking out the words "nineteen hundred and ninety-six through nineteen hundred and ninety-nine" and inserting in place thereof the following:- 1999 to 2000, inclusive.

SECTION 8. Said section 3 of said chapter 114 is hereby further amended by striking out the last paragraph, as amended by section 15 of said chapter 268, and inserting in place thereof the following paragraph:-

Funds paid by licensees and deposited by the commission in the Running Horse Capital Improvements Trust Fund and in the Running Horse Promotional Trust Fund shall remain in said funds until expended under this section; provided, however, that any amount in said accounts as of December 31, 2000 which has not been so expended or as to which no binding commitment has been made by said trustees shall thereupon be deposited in the general fund.

SECTION 9. The first paragraph of section 4 of said chapter 114 is hereby amended by striking out the words "nineteen hundred and ninety-six through nineteen hundred and ninety-nine", inserted by section 16 of said chapter 268, and inserting in place thereof the following:- 1999 to 2000, inclusive.

SECTION 10. Said section 4 of said chapter 114 is hereby amended by striking out the last paragraph, as amended by section 17 of said chapter 268, and inserting in place thereof the following paragraph:-

Funds paid by licensees and deposited by the commission in the Harness Horse Capital Improvements Trust Fund and in the Harness Horse Promotional Trust Fund shall remain in said funds until expended under this section; provided, however, that any amount in said accounts as of December 31, 2000 which has not been so expended or as to which no binding commitment has been made by said trustees shall thereupon be deposited in the general fund.

SECTION 11. The first paragraph of section 5 of said chapter 114 is hereby amended by striking out, the words "nineteen hundred and ninety-six through nineteen hundred and ninety-nine", inserted by section 18 of said chapter 268, and inserting in place thereof the following:- 1999 to 2000, inclusive.

SECTION 12. Chapter 101 of the acts of 1992 is hereby amended by striking out section 13, as amended by section 20 of said chapter 268, and inserting in place thereof the following section:-

Section 13. Chapter 128C of the General Laws shall expire on December 31, 2000.

SECTION 13. There shall be established a special commission to consist of four members of the senate, four members of the house of representatives and five persons to be appointed by the governor, one of whom shall be the secretary of administration and finance or his designee, one of whom shall be the colonel of state police or his designee, one of whom shall be the chairman of the state racing commission or his designee, one of whom shall be the director of consumer affairs or his designee and one of whom shall be the dean of a veterinary school in the commonwealth, for the purpose of making an investigation and study relative to the horse and dog racing industry in the commonwealth, to make formal recommendations regarding said industry and to file proposed legislation, if any, to effectuate such recommendations relating to the operation, administration, regulation, governance, economics, finances, revenue generation, employment, competitive viability and economic viability and economic impact of said industry in the commonwealth. The chairman of said commission shall be selected by the members thereof. Section 2A of chapter 4 of the General Laws shall not apply to said commission. No member of s commission shall be found in violation of section 6, 7 or 23 of chapter 268A of the General Laws for conduct which involves his participation as a member of said commission, if he discloses any financial interest described in said section 6 or 7 or other interest described in said section 23 to the state ethics commission in writing before his participation as a member of said commission. Seven members of the commission shall constitute a quorum and a majority of all members present and voting shall be required for any action voted by said commission including, but not limited to, voting on formal recommendations or proposed legislation.

Said commission, as part of its review, analysis and study, in making such recommendations regarding the operation, administration, regulation, governance, economics, finances, revenue generation, employment, competitive and economic viability and economic impact of the horse and dog racing industry, shall focus on and consider the following issues, proposals and impacts:

(1) the regulation and administration of the racing industry by the commonwealth, including the nature, authority, composition, membership, appointment, operation and staffing of the entity charged on behalf of the commonwealth with the regulation and administration of the industry;

(2) the regulation of the horse and dog racing industry, including a review and analysis of existing regulations and laws;

(3) the economic viability of the racing industry in the commonwealth, including employment, wagering, purses, revenues, taxes and any other revenue generation, both direct and indirect, from the racing industry and from any other industry which either supports or is related to the racing industry in the commonwealth;

(4) the agricultural impacts from the racing industry, including the breeders' program and the enhancement of farms and stables in the commonwealth;

(5) the quality of the dog racing and horse racing in the commonwealth, including a comparison of the quality of racetracks within the commonwealth to the quality of racetracks outside of the commonwealth, and including the competitiveness of races, availability of dogs and horses, the amount of purses and the physical condition of the racetracks;

(6) the amount of purses, including the formula used to determine the amount of such purses and the sources of revenue for such purses;

(7) a comparison of purses between racetracks within the commonwealth and racetracks outside the commonwealth;

(8) the unclaimed wagers or "outs" money, so-called, from live races pursuant to section 5A of chapter 128A section 5 of chapter 128C of the General Laws, including the use, the accounting and the holding of such monies;

(9) the consideration of the present commission paid by dog track licensees to the commonwealth pursuant to said section 5 of said chapter 128A;

(10) the consideration of the present commission paid by horse track licensees to the commonwealth pursuant to said section 5 of said chapter 128A;

(11) a consideration of the methods used to generate revenues for the commonwealth from the wagering at racetracks, including criteria or formula used to assess the commission paid pursuant to said chapters 128A and 128C;

(12) the consideration of simulcasting pursuant to said chapter 128C including an expansion of simulcasting for greyhound dog racing meeting licensees and horse racing meeting licensees in all counties of the commonwealth, including Berkshire, Hampden, Bristol, Suffolk and Norfolk counties and for licenses issued in connection with a state or county fair;

(13) the amount of the bond required by racetrack licensees pursuant to section 3 of said chapter 128A;

(14) the establishment of a trust fund to assist in the adoption of greyhounds;

(15) the installation and maintenance of electronic bank branches where wagering is conducted pursuant to said chapter 128A or 128C;

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(16) the licensure of pari-mutuel clerks;

(17) the consideration of rules and regulations with regard to account wagering;

(18) the consideration of methods of wagering by telephone or other electronic account wagering;

(19) the impact, if any, of other games of chance, including the lottery, keno and gaming of any other type upon the racing industry in the commonwealth, including such activities within the commonwealth and such activities outside the commonwealth;

(20) the prohibition against harness horse racing to be held at the same time of day as a running horse race meeting pursuant to said section 3 of said chapter 128A;

(21) a review of said chapters 128A and 128C;

(22) the consideration of any other issues, studies, proposals or impacts that, in the judgment of the commission, may be relevant, pertinent or material to the study, analysis and review of said commission; and

(23) a survey of the dog and horse racing industry in the United States including, but not limited to, an analysis and review of the issues addressed in clauses (1) to (22), inclusive, by said commission, as such are material and relevant to the survey.

Said commission shall submit a copy of a final report of its findings resulting from its study, review, analysis and consideration, including legislative recommendations, if any, to the governor, president of the senate, speaker of the house of representatives, the chairmen of the house and senate committees on ways and means, the chairmen of the joint committee on government regulations and the chairmen of the joint committee on commerce and labor and shall file the report with the clerk of the house of representatives on or before December 31, 2000. Any department, division, commission, public body, authority, board, bureau or agency of the commonwealth shall cooperate with the commission for the purpose of providing information or professional expertise and skill relevant to the racing industry in the commonwealth.

Approved December 22, 1999.

Chapter 164. AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO ISSUE TWO ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws relative to the number of licenses that may be issued in the city of Pittsfield, the licensing authority of the city of Pittsfield is hereby authorized to issue two additional restaurant licenses for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section 12 of said chapter 138. Such licenses shall be subject to all the provisions of said chapter 138 except said section 17.

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SECTION 2. Notwithstanding the provisions of section 12 of chapter 138 of the General Laws, the issuance of the licenses authorized by this act shall be restricted to business entities that locate in the designated downtown economic development zone. The zone is more particularly shown on a plan entitled "Amended Downtown Pittsfield EOA", dated September 1997, which is on file with the licensing board of the city of Pittsfield.

SECTION 3. Notwithstanding the provisions of section 12 of chapter 138 of the General Laws, the licenses shall, for a period of ten years, be subject to an annual fee of \$1,500, which shall be in addition to the fee set by the licensing authority for the city of Pittsfield.

SECTION 4. Notwithstanding the provisions of section 12 of chapter 138 of the General Laws, the issuance of the licenses shall be restricted to business entities that submit to the licensing authority of the city of Pittsfield a detailed business plan demonstrating the intent and ability of the business entities to make significant investments in the designated downtown economic development zone.

SECTION 5. This act shall take effect upon its passage.

Approved December 29, 1999.

Chapter 165. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE TOWN OF MILLIS FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of chief of police in the town of Millis shall be exempt from chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of any incumbent holding the position of chief of police in the town of Millis on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved December 29, 1999.

Chapter 166. AN ACT VALIDATING THE SPECIAL TOWN ELECTION HELD IN THE TOWN OF BROOKFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings taken by the town of Brookfield at the special town election held on September 1, 1999 and all actions taken pursuant thereto are hereby validated,

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ratified and confirmed, notwithstanding any defect or omission in the warrant or ballot for said election relative to the office of cemetery commissioner or the office of trustee for shade tree and cemetery funds.

SECTION 2. The expiration date for the terms of office of cemetery commissioner and of trustee for shade tree and cemetery funds that appeared on the ballot for the town of Brookfield at the special election held on September 1, 1999, shall be in May of 2000.

SECTION 3. This act shall take effect upon its passage.

Approved December 29, 1999.

Chapter 167. AN ACT PROVIDING FOR THE ESTABLISHMENT OF A TRAFFIC COMMISSION IN THE CITY OF LYNN.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Lynn a traffic commission whose members shall be residents of the city. The commission shall consist of the chief of police or his designee, the commissioner of the department of public works or his designee, the parking director or his designee, and two members to be appointed by the city council in the manner established by city ordinance. Each appointed member shall serve for a term of two years and may be reappointed upon the expiration of his term. A member appointed by the city council who misses three consecutive meetings shall be removed from the commission and the city council shall appoint a member to fill the unexpired term of the member so removed.

SECTION 2. The commissioner of the department of public works shall be the chairperson of the commission for the first year following its creation. Thereafter, the chairperson shall be chosen annually by election from among the members of the commission on or before the first Monday of July. The chairperson shall be known as the traffic commissioner. The members of the commission shall receive no compensation for their services as commissioners, but all advertising, postage and operating expenses incurred for the purposes of this ordinance shall be paid by the city. All statutes and ordinances applicable generally to the departments of the city shall apply to the commission.

SECTION 3. The commission shall meet bi-monthly on a day and time to be determined by the commission, after its first formal meeting, with special meetings called by the chairperson as he deems necessary. Scheduled meetings of the commission shall not conflict with city council committee meetings. The city council shall be notified in writing of each meeting and furnished with a copy of the commission meeting agenda, and the agenda shall be published in the local daily newspaper 48 hours, at least, prior to any scheduled meeting. The city council ordinance committee by a majority vote may require the placing of a matter on the agenda of the traffic commission for its next scheduled meeting, subject to advertising procedures.

SECTION 4. Except as provided in section 5, the traffic commission shall have the sole authority to adopt, amend, alter and repeal rules and regulations after public hearing in accordance with Section 3-10(c) of the Lynn city charter, not inconsistent with the General Laws, relative to vehicular street traffic and parking in the city and to the movement, stopping or standing of vehicles on and their exclusion from, all or any street, way, highway, road and parkway under the control of the city, including rules and regulations designating any way or part thereof under said control as a throughway under and subject to the provisions of section 9 of chapter 89 of the General Laws as are declared by vote of the commission, to be taken within 60 days after introduction. The commission shall have the authority to post any regulation deemed to be urgently required by considerations of public safety or convenience or such as are of a temporary nature and are to be effective for a period of not more than 60 days.

A petition may be filed by ten residents of the city of Lynn, over the age of 18 years, relative to any rule or regulation adopted or proposed to be adopted by said commission which rule or regulation has not been in effect for a period more than 90 days.

SECTION 5. A member of the city council may file, within 30 days after the passage of a rule or regulation in accordance with section 4, a motion to repeal such rule or regulation, which repeal shall be effective if approved by a majority vote of all of the members of the city council.

SECTION 6. This act shall take effect upon its passage.

Approved December 30, 1999.

Chapter 168. AN ACT RELATIVE TO GROUP AUTOMOBILE INSURANCE PLANS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for renewal of certain insurance group marketing plans, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, a group marketing plan approved and in effect, pursuant to section 193R of chapter 175 of the General Laws, during calendar year 1999 may be approved upon renewal, notwithstanding that less than 35 per cent of its members are insured during calendar year 2000.

Approved December 30, 1999.

Chapter 169. AN ACT RELATIVE TO THE CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OF STEAMBOILER LICENSES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section 49 of chapter 146 of the General Laws and in order to meet the license renewal requirement that steam boiler licensees complete 30 hours of continuing education pursuant to said section 49 of said chapter 146, the department of public safety shall prorate the requirement as follows:

- (a) from January 1, 2000 through December 31, 2000, an applicant shall have completed 6 hours of continuing education;
- (b) from January 1, 2001 through December 31, 2001, an applicant shall have completed 12 hours of continuing education; and
- (c) on or after January 1, 2002, an applicant shall have completed 30 hours of continuing education.

Emergency Letter: December 30, 1999 @ 3:56

Approved December 30, 1999.

Chapter 170. AN ACT ALLOWING ADDITIONAL COMPENSATION OF A TOWN CLERK OR MUNICIPAL COLLECTOR OR TREASURER UPON CERTIFICATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide additional compensation for town clerks and municipal collectors and treasurers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 41 of the General Laws is hereby amended by inserting after section 19J the following section:-

Section 19K. In any town, that accepts this section, a town clerk who has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk, shall receive as compensation from such town, in addition to the regular annual compensation paid by such town for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. In order to qualify for such additional compensation, a town clerk shall submit to the board of selectmen of such town proof of the award of such certificate. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of town clerk for 12 consecutive months. Such additional compensation shall discontinue when certification is discontinued or withdrawn.

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SECTION 2. Section 108B of said chapter 41 is hereby amended by inserting after the word "eight", in line 7, the following words:- and shall also include additional compensation for certified collectors as provided in section 108P.

SECTION 3. Said chapter 41 is hereby further amended by inserting after section 108 O the following section:-

Section 108P. In any city, town or district that accepts this section, a collector or a treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer or a certified Massachusetts district treasurer, shall receive as compensation from such city, town or district, in addition to the regular annual compensation paid by such city, town or district for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. In order to qualify for such additional compensation, a collector or treasurer shall submit to the mayor or the board of selectmen of such city or town, or the governing board of a district proof of the award of either or both such certificates. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of collector or treasurer for 12 consecutive months. Such additional compensation shall be discontinued when certification is discontinued or withdrawn.

Approved December 30, 1999.

Chapter 171. AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE TOWN OF PALMER TO ISSUE AN ADDITIONAL LIQUOR LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority in the town of Palmer is hereby authorized to issue a license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section 12 of said chapter 138 to the Palmer Inn. Said license shall be subject to all the provisions of said chapter 138, except section 17. Said licensing authority shall not approve the transfer of said license to any other person, organization or corporation or location for not less than one year.

SECTION 2. This act shall take effect upon its passage.

Approved December 30, 1999.

Chapter 172. AN ACT RELATIVE TO UNEMPLOYMENT INSURANCE RATES AND WORKFORCE TRAINING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide forthwith for unemployment insurance rates in 2000, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the acts of 1998 is hereby amended by striking out section 25 and inserting in place thereof the following section:-

Section 25. Sections 3A, 20A and 21A of this act shall take effect on December 31, 2002.

SECTION 2. Said chapter 175 is hereby further amended by striking out section 26 and inserting in place thereof the following section:-

Section 26. Section 19A of this act shall take effect on January 1, 2003.

SECTION 3. Notwithstanding the provisions of section 14 of chapter 151A of the General Laws, the experience rate of an employer qualifying therefor under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated "B" for calendar year 2000.

SECTION 4. There is hereby established a special legislative task force to consist of six members; three of whom shall be appointed by the speaker of the house of representatives, one of whom shall be the house chairman of the committee on commerce and labor; and three of whom shall be appointed by the president of the senate, one of whom shall be the senate chairman of the committee on commerce and labor. The chairmen of the commerce and labor committee shall serve as chairmen of the task force. The task force shall consider the following two issues:

(1) The task force shall make an investigation and study of the financing of the commonwealth's unemployment insurance system, including but not limited to a review of the need for adjusting the current positive and negative ranges of the experience rate table and the trust fund schedules and ratios as established in section 14 of said chapter; the adequacy of the taxable wage base to raise sufficient revenue and any other matter related to the financing of the unemployment insurance trust fund. The task force shall also consider the feasibility of exempting an employer from making unemployment insurance contributions for any employee who was a recipient of cash benefits under a Massachusetts welfare program in the calendar quarter or immediately preceding calendar quarter that wages were first paid by that employer. The task force shall conduct an investigation, hold hearings and receive testimony from members of the general public, including but not limited to organizations representing employers and employees in the commonwealth and the deputy director of the division of employment and training.

(2) The task force shall make an investigation and study of how a portion of the commonwealth's unemployment insurance system trust fund may be used to finance a

personal development allowance to enable claimants to apply a portion of their benefits to pay for retraining and skill development. The task force shall investigate the potential demand for such a program, any issues associated with conformity under the Federal Unemployment Tax Act, whether the state may get a waiver under the federal law or seek an amendment to the federal law to allow this program to occur, if there are any tax implications for employees using this allowance and any other matter related to the development of a personal development allowance under the unemployment law. The task force shall conduct an investigation, hold hearings and receive testimony from members of the general public, including but not limited to organizations representing employers and employees in the commonwealth and the deputy director of the division of employment and training.

The task force shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives on or before May 15, 2000.

SECTION 5. There is hereby established a legislative task force to consist of three members of the senate, one of whom shall be the senate chairman of the committee on commerce and labor, three members of the house of representatives, one of whom shall be the house chairman of the committee on commerce and labor. The task force is hereby established for the purpose of making an investigation and study relative to the establishment of a statewide insurance and retirement plan for temporary disability, family medical related leave and retirement. The chairmen of the commerce and labor committee shall serve as chairmen of the task force. The task force shall conduct an investigation and shall hold hearings and receive testimony from members of the general public including but not limited to representatives of organizations representing employers and employees in the commonwealth, the director of labor and workforce development, the commissioner of the division of industrial accidents and the state treasurer, members of the general public knowledgeable in the area of family leave, and members of the general public with experience in human resource management.

The task force shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives on or before May 15, 2000.

Approved December 30, 1999.

Chapter 173. AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF AGAWAM TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the city known as the town of Agawam may issue to the Springfield Turnverein a license to sell all alcoholic beverages to be drunk on the premises under the provisions of section 12 of said chapter 138. Such license shall be subject to all of the provisions of said chapter 138 except said section 17.

SECTION 2. This act shall take effect upon its passage.

Approved December 30, 1999.

**Chapter 174. AN ACT RELATIVE TO DISTRICT COURT JURISDICTION IN
THE COUNTIES OF MIDDLESEX AND NORFOLK.**

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 203 of chapter 379 of the acts of 1992, as most recently amended by section 1 of chapter 487 of the acts of 1998, is hereby further amended by striking out the figure "2000" and inserting in place thereof the following figure:- 2001.

SECTION 2. Section 1 of chapter 208 of the acts of 1997, as inserted by section 2 of said chapter 487, is hereby amended by striking out the figure "2000" and inserting in place thereof the following figure:- 2001.

SECTION 3. This act shall take effect on January 1, 2000.

Approved December 30, 1999.

**Chapter 175. AN ACT MAKING APPROPRIATIONS TO FUND A COLLECTIVE
BARGAINING AGREEMENT BETWEEN THE COMMONWEALTH
AND THE MASSACHUSETTS ORGANIZATION OF STATE
ENGINEERS AND SCIENTISTS (UNIT 9).**

Be it enacted, etc., as follows:

SECTION 1. To provide for certain collective bargaining costs, including the costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Organization of State Engineers and Scientists (Unit 9), the sums set forth in section 2 are hereby appropriated from the general fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter 127 of the acts of 1999.

SECTION 2.
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

- 1599-3940 For a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Organization of State Engineers and Scientists (Unit 9) and to meet the fiscal year 2000 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet such costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers\$1,276,000
- Collective Bargaining Reserve Fund 100.0%
- 1599-3941 For a reserve to meet the commonwealth's obligations pursuant to the provisions of section 7 of article 19 and section 12 of article 23A of the collective bargaining agreement between the commonwealth and the Massachusetts Organization of State Engineers and Scientists (Unit 9) and to meet the costs of implementing essential functions study position reclassifications, so-called, pursuant to the provisions of the memorandum

of understanding dated November 16, 1999, between the commonwealth and the Massachusetts Organization of State Engineers and Scientists (Unit 9); provided, that the secretary of administration and finance may allocate from the sum appropriated herein, and may transfer from said sum to other items of appropriation and allocations thereof for fiscal years 2000 to 2003, inclusive, such amounts as are necessary to meet such obligations and costs; provided further, that such transfers shall be in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that this item shall expire on June 30, 2003 \$754,000

This act shall take effect upon its passage.

Approved December 30, 1999.

Chapter 176. AN ACT MAKING APPROPRIATIONS TO FUND COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE UNIVERSITY OF MASSACHUSETTS AND THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES LOCAL R1-233 AND BETWEEN THE UNIVERSITY OF MASSACHUSETTS AND THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES LOCAL R1-245 AND TO FUND CERTAIN OTHER COLLECTIVE BARGAINING COSTS.

Be it enacted, etc., as follows:

SECTION 1: To provide for certain collective bargaining costs, including the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreements between the University of Massachusetts and the National Association of Government Employees Local R1-233 and between the University of Massachusetts and the National Association of Government Employees Local R1-245, the sums set forth in section 2 are hereby appropriated from the general fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter 127 of the acts of 1999.

SECTION 2.
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.
Human Resources Division.

1750-3873 For the statewide training and career ladders programs

	pursuant to the provisions of article 19B of the collective bargaining agreement between the commonwealth and the National Association of Government Employees (Unit 1), article 19A of the collective bargaining agreement between the commonwealth and the National Association of Government Employees (Unit 3) and article 19B of the collective bargaining agreement between the commonwealth and the National Association of Government Employees (Unit 6); provided, that this appropriation shall expire on June 30, 2001	\$462,000
1750-3923	For fitness testing of environmental police officers pursuant to the provisions of article 29 of the collective bargaining agreement between the commonwealth and the Coalition of Public Safety (Unit 5); provided, that this appropriation shall expire on June 30, 2001	\$100,000
1750-4033	For the employee performance review system pursuant to the provisions of article 24A of the collective bargaining agreement between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO (Units 8 and 10); provided, that this appropriation shall expire on June 30, 2001	\$125,000
<i>Reserves.</i>		
1599-3938	For a reserve to meet the fiscal year 2000 cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the National Association of Government Employees Local NR1-233; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet such costs, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers	\$107,000
	Collective Bargaining Reserve Fund	100.0%

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1599-3939 For a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the National Association of Government Employees Local NR1-245; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet such costs, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers \$114,000

Collective Bargaining Reserve Fund 100.0%

SECTION 3. This act shall take effect upon its passage.

Approved December 30, 1999.

Chapter 177. AN ACT MAKING APPROPRIATIONS TO FUND A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE COMMONWEALTH AND THE STATE POLICE ASSOCIATION OF MASSACHUSETTS (UNIT 5A) AND TO FUND CERTAIN INCREASED COMPENSATION COSTS FOR STATE POLICE SENIOR OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain collective bargaining costs, including the costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the State Police Association of Massachusetts (Unit 5A), and to provide for the cost of certain compensation adjustments for state police senior officers, the sums set forth in section 2 are hereby appropriated from the general fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter 127 of the acts of 1999.

SECTION 2.
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

- 1599-3935 For a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the State Police Association of Massachusetts (Unit 5A) and to meet the fiscal year 2000 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet such costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers \$3,420,000
- Collective Bargaining Reserve Fund. 100.0%
- 1599-3936 For a reserve to meet the commonwealth's obligations pursuant to the provisions of section 4 of article 20 of the collective bargaining agreement between the commonwealth and the State Police Association of Massachusetts (Unit 5A); provided, that the secretary of administration and finance may allocate during fiscal years 2000 to 2003, inclusive, from the sum appropriated herein such amounts as are necessary for such purpose; and provided further, that this appropriation shall expire on June 30, 2003 \$400,000

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1599-3937 For a reserve to meet the fiscal year 2000 cost of certain increased compensation for officers in grade of lieutenant and grades superior thereto in the department of state police, including salary adjustments pursuant to the provisions of section 28A of chapter 22C of the General Laws; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet such cost where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means. \$636,000

SECTION 3. This act shall take effect upon its passage.

Approved December 30, 1999.

Chapter 178. AN ACT AUTHORIZING THE TOWN OF IPSWICH TO ISSUE THREE ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority in the town of Ipswich may issue to Turner Hill a license to sell all alcoholic beverages to be drunk on the premises in said town under the provisions of section 12 of said chapter 138. Such license shall be subject to all of the provisions of said chapter 138 except said section 17 and shall be transferable.

SECTION 2. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority in the town of Ipswich may issue to Konstantine Sakkas d/b/a Ithaki Restaurant a license to sell all alcoholic beverages to be drunk on the premises in said town under the provisions of section 12 of said chapter 138. Such license shall be subject to all of the provisions of said chapter 138 except said section 17 and shall be transferable.

SECTION 3. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority in the town of Ipswich may issue to The Trustees of Reservations d/b/a Castle Hill Foundation a license to sell all alcoholic beverages to be drunk on the premises in said town under the provisions of section 12 of said chapter 138. Such license shall be subject to all of the provisions of said chapter 138 except said section 17 and shall be transferable.

Chap. 178

SECTION 4. The issuance of the licenses authorized by this act shall increase by three the quota for permanent licenses that the town is authorized to issue for the sale of all alcoholic beverages.

Emergency Letter: January 7, 2000 @ 9:36 A.M.

Approved January 6, 2000.

Chapter 179. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO LEASE CERTAIN TOWN-OWNED LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Brookline may lease, for a limited service hotel, the property known as the Webster Street parking lot, for a period not to exceed 95 years, upon such terms and conditions as the board of selectmen shall determine to be in the best interests of the town.

SECTION 2. This act shall take effect upon its passage.

Approved January 6, 2000.

Chapter 180. AN ACT RELATIVE TO THE ASSESSMENT OF INTEREST BY THE TOWN OF KINGSTON FOR CERTAIN BETTERMENTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Kingston may assess interest at the town's borrowing rate for betterments related to the wastewater treatment and sewer extension project and may allow apportionment and reapportionment of said assessments, pursuant to section 13 of chapter 80 of the General Laws, into equal portions for a period not exceeding 30 years.

SECTION 2. This act shall take effect upon its passage.

Approved January 6, 2000.

Chapter 181. AN ACT AUTHORIZING THE LEASE OF CERTAIN PARCELS OF LAND IN THE TOWN OF NATICK.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section 3 of chapter 40 of the General Laws, the town of Natick, acting by and through its board of selectmen, is hereby authorized to enter

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into a lease agreement with the Massachusetts Bay Transportation Authority, or its assignee, for a term of years not to exceed 99 years, for the purpose of constructing, operating and maintaining a public parking garage or public parking facility and related site improvements including paving, curbing, walkways and appurtenances, on a portion of land owned by the town of Natick and shown on the town of Natick assessors map 44 as lots 326, 327, 328, 329, 330, 355, 356A, 359, and 360.

Approved January 12, 2000.

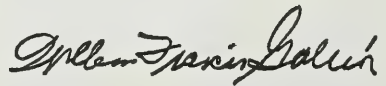
SUMMARY OF THE ACTS APPROVED AND ACTS DECLARED EMERGENCY LAWS
BY THE GOVERNOR UNDER THE AUTHORITY OF THE CONSTITUTION

During the first session of the General Court held in 1999, 181 Acts were enacted of which all 181 Acts received the Governor's approval. No resolves were enacted or approved.

This summary does not include those line item vetoes by the Governor on appropriation Acts nor any subsequent legislative action on those vetoes.

Six Acts were declared to be emergency laws by the Governor under Article XLVIII of the Amendments to the Constitution. These are Chapters 22, 44, 62, 77, 169, and 178.

The 1999 session of the General Court was dissolved at midnight on Tuesday January 4, 2000 the session having lasted 364 days.

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive, flowing style with a large, prominent "G" at the end.

William Francis Galvin
Secretary of the Commonwealth

OFFICE OF THE SECRETARY, BOSTON, MASSACHUSETTS September 29, 2000

I hereby certify that the Acts contained in this volume are true copies of the originals on file with this department.

I further certify that the Index and the Table of Changes contained in this volume have been prepared under the direction of the Committee on Rules of the two branches of the General Court in accordance with the provisions of M.G.L. c. 3, § 52.

A handwritten signature in cursive script, reading "William Francis Galvin".

William Francis Galvin
Secretary of the Commonwealth

AGGREGATE VOTE ON A CONSTITUTIONAL AMENDMENT, PROPOSED LAWS,
AND A REFERENDUM SUBMITTED TO THE PEOPLE AT THE NOVEMBER 3, 1998
ELECTION

Statement of the Secretary in Compliance with M.G.L. c. 5, § 2(6)

Question	Yes	No	Blank
1 CONSTITUTIONAL AMENDMENT Setting Compensation of State Legislature	1,170,031	538,729	226,517
2 Public Campaign Financing	1,129,934	572,476	232,867
3 Tax Rate on Interest and Dividend Income	1,395,599	309,416	230,262
4 Electric Utility Industry Restructuring	1,251,540	509,807	173,930

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SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE 1998 OFFICIAL EDITION, HAVE BEEN AFFECTED BY THE LEGISLATION PASSED BY THE GENERAL COURT SINCE JANUARY 1, 1999.

- CHAPTER 1 - Jurisdiction of the Commonwealth and of the United States.**
- CHAPTER 2 - Arms, Great Seal and Other Emblems of the Commonwealth.**
- CHAPTER 3 - The General Court.**
- § 66, subsection (1), sentence added, 1999, 127 § 9. (See 1999, 127, 390.)
- CHAPTER 4 - Statutes.**
- CHAPTER 5 - Printing and Distribution of Laws and Public Documents.**
- CHAPTER 6 - The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.**

- § 15EEE added, 1999, 97.
- § 172F added, 1999, 127 § 11. (See 1999, 127, 390.)
- § 178C revised, 1999, 74 § 2.
- § 178D revised, 1999, 74 § 2.
- § 178E revised, 1999, 74 § 2.
- § 178F revised, 1999, 74 § 2.
- § 178F½ inserted, 1999, 74 § 2.
- § 178G revised, 1999, 74 § 2.
- § 178H revised, 1999, 74 § 2.
- § 178I revised, 1999, 74 § 2.
- § 178J revised, 1999, 74 § 2.
- § 178K revised, 1999, 74 § 2.
- § 178L inserted, 1999, 74 § 2.
- § 178M revised, 1999, 74 § 2.
- § 178N revised, 1999, 74 § 2.
- § 178O revised, 1999, 74 § 2.
- § 178P revised, 1999, 74 § 2.
- § 196, paragraph added, 1999, 127 § 12. (See 1999, 127, 390.)

TABLE OF CHANGES

CHAPTER 6A - Executive Offices.

CHAPTER 6B - Acute Hospital Finance.

CHAPTER 7 - Executive Office for Administration and Finance. (Former title, Commission on Administration and Finance.)

§ 4A, paragraph added, 1999, 127 § 13. (See 1999, 127, 390.)

§ 39B, before first paragraph, paragraph inserted, 1999, 127 § 14. (See 1999, 127, 390.)

CHAPTER 7A - Office of the Comptroller.

§ 16, clause (1) of paragraph (c) of the first paragraph, subclause (B) revised, 1999, 127 § 15;
clause (6) revised, 1999, 127 § 16. (See 1999, 127, 390.)

CHAPTER 8 - State Superintendent of Buildings, and State House.

§ 1 revised, 1999, 127 § 17. (See 1999, 127, 390.)

§ 4, amended, 1999, 127 §§ 18. (See 1999, 127, 390.)

§ 10, last sentence revised, 1999, 127 § 19. (See 1999, 127, 390.)

§ 16A, second paragraph, last sentence revised, 1999, 127 § 20. (See 1999, 127, 390.)

§ 17, first sentence revised, 1999, 127 § 21. (See 1999, 127, 390.)

CHAPTER 9 - Department of the State Secretary.

CHAPTER 10 - Department of the State Treasurer.

§ 35L revised, 1999, 127 § 22. (See 1999, 127, 390.)

§ 35T added, 1999, 127 § 23. (See 1999, 127, 385.)

CHAPTER 11 - Department of the State Auditor.

CHAPTER 12 - Department of the Attorney General, and the District Attorneys.

CHAPTER 12A - Office of the Inspector General.

CHAPTER 12B - State Gambling and Advisory Commission.

CHAPTER 13 - Division and Boards of Registration. (Former title-Department of Civil Service and Registration.) (Title revised, 1998, 161 § 59.)

§ 11D added, 1999, 127 § 25. (See 1999, 127, 390.)

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CHAPTER 13 - continued

§ 96 added, 1999, 146 § 1.

§ 97 added, 1999, 146 § 1.

CHAPTER 14 - Department of Revenue.

§ 9 added, 1999, 127 § 26. (See 1999, 127, 390.)

§ 10 added, 1999, 127 § 26. (See 1999, 127, 390.)

§ 11 added, 1999, 127 § 26. (See 1999, 127, 390.)

CHAPTER 15 - Department of Education.

§ 1E, first paragraph, sixth sentence revised, 1999, 127 § 27. (See 1999, 127, 390.)

§ 54 subsection (j) revised, 1999, 127 § 28. (See 1999, 127, 390.)

CHAPTER 15A - Public Education.

§ 9, paragraph added, 1999, 127 § 29. (See 1999, 127, 390.)

§ 19, paragraph added, 1999, 127 § 30. (See 1999, 127, 390.)

CHAPTER 15B - The New England Educational Loan Marketing Corporation Act. (Chapter repealed, 1982, 356 § 2.)

CHAPTER 15C - Massachusetts College Student Loan Authority.

CHAPTER 16 - Department of Highways. (Formerly, Department of Public Works.)

CHAPTER 17 - Department of Public Health.

CHAPTER 18 - Department of Transitional Assistance. (Title revised, 1995, 5 § 7. Former title, Department of Public Welfare.)(See 1995, 5 § 7.)

§ 2 amended, 1999, 127 § 31. (See 1999, 127, 390.)

§ 29 amended, 1999, 127 § 32. (See 1999, 127, 390.)

CHAPTER 18A - Department of Youth Services.

CHAPTER 18B - Department of Social Services.

CHAPTER 19 - Department of Mental Health.

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- CHAPTER 19A - Department of Elder Affairs.**
- CHAPTER 19B - Department of Mental Retardation.**
- CHAPTER 19C - Disabled Persons Protection Commission.**
- CHAPTER 19D - Assisted Living.**
(New Chapter inserted, 1994, 354 § 3.)
- CHAPTER 20 - Department of Food and Agriculture.**
- CHAPTER 21 - Department of Environmental Management.**
- CHAPTER 21A - Executive Office of Environmental Affairs.**
- CHAPTER 21B - Mining Regulation and Reclamation.**
- CHAPTER 21C - Massachusetts Hazardous Waste Management Act.**
- CHAPTER 21D - Massachusetts Hazardous Waste Facility Siting Act.**
- CHAPTER 21E - Massachusetts Oil and Hazardous Material Release Prevention and Response Act.**
- CHAPTER 21F - Coastal Facilities Improvement.**
- CHAPTER 21G - Massachusetts Water Management Act.**
- CHAPTER 21H - Solid Waste Facilities.**
(New chapter inserted, 1987, 584 § 3.)
- CHAPTER 21I - Massachusetts Toxics Use Reduction Act.**
(New chapter inserted, 1989, 265 § 3.)
- CHAPTER 21J - Underground Storage Tank Petroleum Product Cleanup Fund.**
(New chapter inserted, 1990, 524 § 1.)
- CHAPTER 21K - Mitigation of Hazardous Material.**
(New Chapter inserted, 1998, 194 § 64.)

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CHAPTER 22 - Department of Public Safety.

§ 15D repealed, 1999, 127 § 33. (See 1999, 127, 390.)

CHAPTER 22A - Central Register for Missing Children.

CHAPTER 22B - Capitol Police.

(Chapter repealed, 1991, 412 § 21.) (See 1991, 412 § 139.)

CHAPTER 22C - The Department of State Police.

(New chapter inserted, 1991, 412 § 22.) (See 1991, 412 § 139.)

CHAPTER 22D - Department of Fire Services.

(New chapter inserted, 1996, 151 § 109.) (See 1996, 151 § 690.)

CHAPTER 22E - State DNA Database.

(New chapter inserted, 1997, 106 § 7.)

CHAPTER 23 - Department of Labor and Work Force Development.

(New title inserted, 1996, 151 § 110, Former title, Department of Labor and Industries.) (See 1996, 151 § 690.)

CHAPTER 23A - Department of Economic Development.

(New title inserted, Former title, Department of Commerce and Development.)

CHAPTER 23B - Department of Housing and Community Development.

(Title Changed, 1996, 204 § 15, Former title, Division of Housing and Community Development.)

§ 3 amended, 1999, 127 § 34. (See 1999, 127, 377.)

§ 24B amended, 1999, 127 § 35; clause (a) revised, 1999, 127 § 36. (See 1999, 127, 390.)

CHAPTER 23C - Board of Conciliation and Arbitration.

CHAPTER 23D - Massachusetts Industrial Service Program.

CHAPTER 23E - Division of Industrial Accidents.

(Former title, Department of Industrial Accidents)

CHAPTER 23F - The Economic Diversification Program.

(New chapter inserted, 1990, 525.)

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CHAPTER 23G - The Massachusetts Development Finance Agency.
(New chapter inserted, 1998, 289 § 24.) (See 1998, 289 § 33.)

§28 amended, 1999, 158 § 1.

§ 29A, subsection (n), sentence added, 1999, 158 § 2.

CHAPTER 24 - Department of Industrial Accidents.
(Chapter repealed, 1953, 314 14.)

CHAPTER 24A - Office of Consumer Affairs and Business Regulation.
(New chapter inserted, 1996, 151 § 148.) (See 1996, 151 § 690.)

CHAPTER 25 - Department of Public Utilities.

CHAPTER 25A - Division of Energy Resources.
(Formerly, Executive Office of Energy Resources.)

CHAPTER 25B - Massachusetts Appliance Efficiency Standards Act.

CHAPTER 26 - Department of Banking and Insurance.

CHAPTER 27 - Department of Correction.

CHAPTER 28 - Metropolitan District Commission.

CHAPTER 28A - Office For Children.

§ 10 amended, 1999, 3 § 1; **section amended**, 1999, 127 § 37. (See 1999, 3 § 26; 127 § 390.)

§ 11B added, 1999, 3 § 2. (See 1999, 3 § 26.)

CHAPTER 29 - State Finance.

§ 2C ½ amended, 1999, 127 § 38. (See 1999, 127, 385.)

§ 2H, first paragraph, sentence added, 1999, 127 § 39. (See 1999, 127, 390.)

§ 2RR, subsection (e) added, 1999, 127 § 41. (See 1999, 127 § 390.)

§ 2WW added, 1999, 3 § 3.

§ 2XX added, 1999, 127 § 42. (See 1999, 127 § 390.)

§ 49 amended, 1999, 68 §§ 4, 4A, 5. (1998, 68 § 58.)

§ 52 repealed, 1999, 68 §§ 7. (1998, 68 § 58.)

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§ 53, first four sentences tricken out, three sentences inserted, 1999, 68 § 8. (1998, 68 § 58.)

§ 53A amended, 1999, 68 §§ 9, 10. (1998, 68 § 58.)

§ 54 revised, 1999, 68 §11. (1998, 68 § 58.)

CHAPTER 29A - Financing the Judicial System.

CHAPTER 29B - State Revenue Growth Control.

(Chapter repealed, 1998, 194 § 103.) (See 1998, 194 § 433.)

CHAPTER 29C - Water Pollution Abatement Revolving Loan Program.

(New chapter inserted, 1989, 275 § 8.)

CHAPTER 29D - THE HEALTH CARE SECURITY TRUST.

(New chapter inserted, 1999, 127 § 43.)(See 1999, 127 § 390.)

CHAPTER 30 - General Provisions Relative to State Departments, Commissions, Officers and Employees.

CHAPTER 30A - State Administrative Procedure.

CHAPTER 30B - Uniform Procurement Act.

(New chapter inserted, 1989, 687 § 3.)

CHAPTER 31 - Civil Service.

CHAPTER 31A - Municipal Personnel Systems.

CHAPTER 32 - Retirement Systems and Pensions.

§ 5 amended, 1999, 68 § 12. (1998, 68 § 58.)

§ 23 amended, 1999, 64 § 1; section amended, 1999, 109.

§ 103, paragraph (i) added, 1999, 127 § 51. (See 1999, 127 § 390.)

CHAPTER 32A - Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

CHAPTER 32B - Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and Their Dependents.

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- CHAPTER 33 - Militia.**
- CHAPTER 34 - Counties and County Commissioners.**
- CHAPTER 34A - County Charter Procedures.**
- CHAPTER 34B - Abolition of County Government.**
(New chapter inserted, 1999, 127 § 53.)(See 1999, 127 § 390.)
- CHAPTER 35 - County Treasurers, State Supervision of County Accounts and County Finances.**
- CHAPTER 36 - Registers of Deeds.**
- CHAPTER 37 - Sheriffs.**
- CHAPTER 38 - Medical Examiners.**
- CHAPTER 39 - Municipal Government.**
- § 6A amended, 1999, 7 § 1.
- CHAPTER 40 - Powers and Duties of Cities and Towns.**
- CHAPTER 40A - Zoning Regulations.**
- § 3 amended, 1999, 127§ 54. (See 1999, 127 § 390.)
- CHAPTER 40B - Regional Planning.**
- CHAPTER 40C - Historic Districts.**
- CHAPTER 40D - Industrial Development of Cities and Towns.**
- CHAPTER 40E - Massachusetts Industrial Development Authority.**
- CHAPTER 40F - The Massachusetts Community Development Finance Corporation.**
- CHAPTER 40G - Massachusetts Technology Development Corporation.**
- CHAPTER 40H - Community Economic Development Assistance Corporation.**

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(Chapter repealed, 1996, 151 § 196.) (See 1996, 151 § 690.)
- CHAPTER 40J - Massachusetts Technology Park Corporation.**
- CHAPTER 40K - MASSACHUSETTS PRODUCT DEVELOPMENT CORPORATION.**
(Chapter repealed, 1996, 58 § 23.) (See 1996, 58 § 105.)
- CHAPTER 40L - AGRICULTURAL INCENTIVE AREAS.**
- CHAPTER 40M - GOVERNMENTAL UNITS POOLED INSURANCE.**
- CHAPTER 40N - MODEL WATER AND SEWER COMMISSION.**
(New chapter inserted, 1992, 343 § 2.)
- CHAPTER 40O - BUSINESS IMPROVEMENT DISTRICTS.**
(New chapter inserted, 1994, 173.)
- CHAPTER 40O - The Massachusetts Rent Control Prohibition Act.**
(New chapter inserted, 1994, 368 § 1.) (See 1994, 368 § 2.) (Voted by the people under Art. 48.)(Chapter stricken out, 1997, 19 § 10.) (See 1997, 19 § 127.)
- CHAPTER 40P - The Massachusetts Rent Control Prohibition Act.**
(New chapter inserted, 1997, 19 § 10.) (See 1997, 19 § 127.)
- CHAPTER 41 - Officers and Employees of Cities, Towns and Districts.**
§ 19K added, 1999, 170 § 1.
§ 108B amended, 1999, 170 § 2.
§ 108P added, 1999, 170 § 3.
- CHAPTER 42 - Boundaries of Cities and Towns.**
- CHAPTER 43 - City Charters.**
§ 17A amended, 1999, 7 § 2.
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CHAPTER 43C - OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.
(New chapter inserted, 1987, 756.)

CHAPTER 44 - Municipal Finance.

§ 72 revised, 1999, 127§ 55. (See 1999, 127 § 390.)

CHAPTER 44A - QUALIFIED BOND ACT.

CHAPTER 45 - Public Parks, Playgrounds and the Public Domain.

CHAPTER 46 - Return and Registry of Births, Marriages and Death.

CHAPTER 47 - Infirmarys.

CHAPTER 48 - Fires, Fire Departments and Fire Districts.

CHAPTER 49 - Fences, Fence Viewers, Pounds and Field Drivers.

CHAPTER 49A - Use of Certain Animals for Scientific Investigation, Experiment or Instruction.

CHAPTER 50 - General Provisions Relative to Primaries, Caucuses and Elections.

CHAPTER 51 - Voters.

CHAPTER 52 - Political Committees.

CHAPTER 53 - Nominations, Questions to be Submitted to the Voters, Primaries and Caucuses.

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CHAPTER 55 - Disclosure of Campaign Expenditures and Contributions and Election Inquests.

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(Chapter revised, 1998, 395 § 2)(New title inserted, 1998, 395 § 2,
Former title, Limited Public Financing of Campaigns for Statewide
Elective Office.)
- § 17, paragraph (b) revised, 1999, 127 § 58. (See 1999, 127 § 390.)
- CHAPTER 55B - The State Ballot Law Commission.**
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- CHAPTER 57 - Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives.**
- CHAPTER 58 - General Provisions Relative to Taxation.**
- CHAPTER 58A - Appellate Tax Board.**
(Former title, Board of Tax Appeals.)
(Chapter revised, 1998, 485 § 2.) (See 1998, 485 § 23.)
- CHAPTER 59 - Assessment of Local Taxes.**
- § 5K added, 1999, 127 § 59. (See 1999, 127 § 390.)
§ 38H, subsection (c), paragraph added, 1999, 24 § 1.(See 1999, 24 § 2.)
§ 59A, fourth sentence stricken out and two sentences inserted, 1999, 158 § 3.
- CHAPTER 59A - Classification of Real Property.**
- CHAPTER 60 - Collection of Local Taxes.**
- CHAPTER 60A - Excise Tax on Registered Motor Vehicles in Lieu of Local Property Tax.**
- CHAPTER 60B - Excise on Boats, Ships and Vessels in Lieu of Local Property Tax.**
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of Forest Land

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CHAPTER 62 - Taxation of Incomes.

- § 2, subsection (c), paragraph (2) revised, 1999, 127 § 64; subsection (e), paragraph (I) added, 1999, 127 § 67. (See 1999, 127 § 376.)
- § 3 amended, 1999, 127 § 68; paragraph (a) of Part B, subparagraph (8) revised, 1999, 127 § 69; subparagraph (9) revised, 1999, 127 § 70; subparagraph (12) added, 1999, 127 § 71; paragraph (b), subparagraph (5) revised, 1999, 127 § 72. (See 1999, 127 §§ 379, 390.)
- § 4 amended, 1999, 127 §§ 73, 74, 75; subsection (c), last paragraph stricken out, 1999, 127 § 77. (See 1999, 127 §§ 372, 373, 374, 376.)
- § 5 amended, 1999, 127 § 78. (See 1999, 127 § 386.)
- § 6, subsection (h), second sentence revised, 1999, 127 § 79; subsection (k) added, 1999, 127 § 80; paragraph (2) amended, 1999, 127 § 81. (See 1999, 127 §§ 379, 387, 388, 390.)
- § 6I added, 1999, 127 § 82. (See 1999, 127 § 378.)

CHAPTER 62A - Simplified Method of Computing Individual Income Taxes.

CHAPTER 62B - Withholding of Taxes on Wages and Declaration of Estimated Income Tax.

CHAPTER 62C - Administrative Provisions Relative to State Taxation.

- § 32, paragraph added, 1999, 127 § 83. (See 1999, 127 § 390.)
- § 37C, subsection (f) revised, 1999, 127 § 84. (See 1999, 127 § 375.)
- § 40, subsection (b), first sentence revised, 1999, 127 § 85. (See 1999, 127 § 375.)
- § 65, paragraph added, 1999, 127 § 86. (See 1999, 127 § 390.)
- § 86 added, 1999, 68 § 13. (1999, 68 § 58.)

CHAPTER 62D - SET-OFF DEBT COLLECTION.

CHAPTER 62E - WAGE REPORTING SYSTEM.

- § 1 amended, 1999, 127 § 87. (See 1999, 127 § 390.)

CHAPTER 62F - LIMITATION ON THE GROWTH OF STATE TAX REVENUES.

CHAPTER 63 - Taxation of Corporations.

- § 31A, paragraphs (k) and (l) revised, 1999, 127 § 88. (See 1999, 127 § 390.)
- § 31H added, 1999, 127 § 90. (See 1999, 127 § 378.)

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- CHAPTER 63B - Declaration of Estimated Tax by Corporations.**
- CHAPTER 63C - Taxation of Income of Certain Corporations.**
(Chapter repealed, 1985, 593 § 24.)
- CHAPTER 64 - Taxation of Stock Transfers.**
- CHAPTER 64A - Taxation of Sales of Gasoline.**
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- CHAPTER 64B - Excise upon Charges for Meals Served to the Public.**
- CHAPTER 64C - Cigarette Excise.**
- CHAPTER 64D - Excise on Deeds, Instruments and Writings.**
- CHAPTER 64E - Taxation of Special Fuels Used in the Propulsion of Motor Vehicles.**
- CHAPTER 64F - Taxation of Fuel and Special Fuels Acquired Outside and Used within the Commonwealth.**
- CHAPTER 64G - Room Occupancy Excise.**
- CHAPTER 64H - Tax on Retail Sales of Certain Tangible Personal Property.**
- § 1 amended, 1999, 127 § 91. (See 1999, 127 § 383.)
§ 6, paragraph (rr) added, 1999, 127 § 92. (See 1999, 127 § 383.)
- CHAPTER 64I - Tax on Storage, Use or Other Consumption of Certain Tangible Personal Property.**
- CHAPTER 64J - TAXATION OF FUELS USED IN THE PROPULSION OF AIRCRAFT.**
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- CHAPTER 65A - Taxation of Transfers of Certain Estates.**
- CHAPTER 65B - Settlement of Disputes Respecting the Domicile of Decedents for Death Tax Purposes.**
- CHAPTER 65C - Massachusetts Estate Tax.**
- CHAPTER 66 - Public Records.**
- CHAPTER 66A - Fair Information Practices.**
- CHAPTER 67 - Parishes and Religious Societies.**
- CHAPTER 68 - Donations and Conveyances for Pious and Charitable Uses.**
- CHAPTER 68A - Limitations Upon the Conduct of Certain Trusts and Corporations Having Charitable Interests.**
- CHAPTER 69 - Powers and Duties of the Department of Education.**
- CHAPTER 70 - School Funds and State Aid for Public Schools.
(Former title, School Funds and Other State Aid for Public Schools.)(Chapter revised, 1993, 71 § 32.)**
- § 2, definition of "Minimum required local contribution" revised, 1999, 127 § 93. (See 1999, 127 § 93.)
- CHAPTER 70A - EQUAL EDUCATIONAL OPPORTUNITY GRANTS.
(Chapter repealed, 1993, 71 § 33.)**
- CHAPTER 71 - Public Schools.**
- CHAPTER 71A - TRANSITIONAL BILINGUAL EDUCATION.**
- CHAPTER 71B - CHILDREN WITH SPECIAL NEEDS.**
- CHAPTER 72 - School Registers and Returns.**
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CHAPTER 75 - University of Massachusetts.
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§ 1A, fourth paragraph, last sentence revised, 1999, 11.

§ 15A added, 1999, 127 § 103. (See 1999, 127 § 390.)

§ 38 amended, 1999, 127 § 104. (See 1999, 127 § 390.)

CHAPTER 75A - University of Lowell.
(Former title, Lowell Technological Institute of Massachusetts.)
(Chapter repealed, 1991, 142 § 23.) (See 1991, 142 §§ 4, 50.)

CHAPTER 75B - Southeastern Massachusetts University.
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(Former title Southeastern Massachusetts Technological Institute.)
(Chapter repealed, 1991, 142 § 24. (See 1991, 142 §§ 19, 50.)

CHAPTER 75C - Private Correspondence Schools.

CHAPTER 75D - Private Business Schools.

CHAPTER 76 - School Attendance.

CHAPTER 77 - School Offenders and County Training Schools.

CHAPTER 78 - Libraries.

CHAPTER 78A - YOUTH CONSERVATION AND SERVICE CORPS.
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CHAPTER 80 - Betterments.

CHAPTER 80A - Eminent Domain Takings and Betterment Assessments by Judicial Proceedings.

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- CHAPTER 81 - State Highways.**
- CHAPTER 81A - THE MASSACHUSETTS TURNPIKE AUTHORITY AND THE METROPOLITAN HIGHWAY SYSTEM.**
(Chapter inserted 1997, 3 § 6.)
- CHAPTER 82 - The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.**
- CHAPTER 83 - Sewers Drains and Sidewalks.**
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- § 8B, first paragraph amended, 1999, 127 § 106. (See 1999, 127 § 390.)
- § 20, after third paragraph, paragraph inserted, 1999, 127 § 107. (See 1999, 127 § 390.)
- § 24, paragraph (a) of subdivision (1), subparagraph (1), second paragraph revised, 1999, 127 § 108; paragraph (a) of subdivision (2), second paragraph revised, 1999, 127 § 109. (See 1999, 127 § 390.)
- CHAPTER 90A - The Highway Safety Act.**
- CHAPTER 90B - Motorboats, Other Vessels and Recreational Vehicles.**
Former title- Motorboats and Other Vessels.
(Title revised, 1998, 463 § 72.)

§ 11, paragraph inserted after third paragraph, 1999, 127 § 110. (See 1999, 127 § 390.)

§ 22 amended, 1999, 127 § 111; second paragraph, two sentences added, 1999, 127 § 112.
(See 1999, 127 § 390.)

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- CHAPTER 90E - Bikeways.**
- CHAPTER 90F - UNIFORM OPERATION OF COMMERCIAL MOTOR VEHICLES ACT.**
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- CHAPTER 90G - CIVIL INFRACTIONS.**
(New chapter inserted, 1992, 133 § 452.) (See 1992, 133 § 598.)
(Chapter repealed, 1993, 182 § 8.)
- CHAPTER 90H - GATEWAY ROADS PROGRAM.**
(New chapter inserted, 1994, 273 § 26.)
- CHAPTER 91 - Waterways.**
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(New chapter inserted, 1991, 6 § 24.) (See 1991, 6 § 58.)
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(New chapter inserted, 1992, 286 § 165.)
- CHAPTER 93 - Regulation of Trade and Certain Enterprises.**
- CHAPTER 93A - Regulation of Business Practices for Consumers Protection.**
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- CHAPTER 93F - Regulating Certain Business Practices Between Motion Picture Distributors and Exhibitors.**
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- CHAPTER 94 - Inspection and Sale of Food, Drugs and Various Articles.**
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(New chapter inserted, 1991, 480 § 1.)
- CHAPTER 95 - Measuring of Leather.**
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- CHAPTER 101 - Transient Vendors, Hawkers and Peddlers.**
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CHAPTER 108 - Criminal Offences Relative to Bills of Lading.
(Former title, Bills of Lading.)

CHAPTER 108A - Partnerships.

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(Chapter revised, 1996, 157.)

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(New chapter inserted, 1987, 272 § 1.) (See 1987, 272 § 3.)

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§ 7, third paragraph stricken out, two paragraphs inserted, 1999, 127 § 114. (See 1999, 127 § 390.)

CHAPTER 111F - HAZARDOUS SUBSTANCES DISCLOSURE BY EMPLOYERS.

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CHAPTER 111I - WOMEN'S, INFANTS AND CHILDREN PROGRAM (New chapter inserted, 1992, 414 § 3.)

CHAPTER 111J - Alcohol and Drug Counselors. (New chapter inserted, 1999, 127 § 115.) (See 1999, 127 § 390.)

CHAPTER 112 - Registration of Certain Professions and Occupations.

§ 12V ½ added, 1999, 142.

§ 87YY ½ added, 1999, 146 § 2. (See 1999, 146 § 7.)

§ 201 added, 1999, 127 § 116. (See 1999, 127 § 390.)

§ 201 added, 1999, 146 § 3. (See 1999, 146 § 7.)

§ 202 added, 1999, 127 § 116. (See 1999, 127 § 390.)

§ 202 added, 1999, 146 § 3. (See 1999, 146 § 7.)

§ 203 added, 1999, 127 § 116. (See 1999, 127 § 390.)

§ 203 added, 1999, 146 § 3. (See 1999, 146 § 7.)

§ 204 added, 1999, 127 § 116. (See 1999, 127 § 390.)

§ 204 added, 1999, 146 § 3. (See 1999, 146 § 7.)

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- § 205 added, 1999, 127 § 116. (See 1999, 127 § 390.)
- § 205 added, 1999, 146 § 3. (See 1999, 146 § 7.)
- § 206 added, 1999, 127 § 116. (See 1999, 127 § 390.)
- § 206 added, 1999, 146 § 3. (See 1999, 146 § 7.)
- § 207 added, 1999, 127 § 116. (See 1999, 127 § 390.)
- § 208 added, 1999, 127 § 116. (See 1999, 127 § 390.)
- § 209 added, 1999, 127 § 116. (See 1999, 127 § 390.)
- § 210 added, 1999, 127 § 116. (See 1999, 127 § 390.)

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- § 6B amended, 1999, 127 §§ 117, 118, 119. (See 1999, 127 § 390.)

CHAPTER 115A - Soldier's Homes.

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CHAPTER 117A - SUPPORT BY THE COMMONWEALTH. (New chapter inserted, 1991, 255 § 4.) (See 1991, 255 § 7.)

CHAPTER 118 - Aid to Families with Dependent Children. (Former title, Aid to Dependent Children.)

CHAPTER 118A - Assistance to the Aged and Disabled. (Former title, Old Age Assistance and Medical Assistance for the Aged.)

CHAPTER 118B - The Merit System in the Administration of Aid to Families with Dependent Children and Old Age Assistance.

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CHAPTER 118E - Medical Care and Assistance. (Chapter revised, 1993, 161 § 17.)

§ 9A, subsection (2), clause (i) added, 1999, 127 § 121. (See 1999, 127 § 390.)

§ 16B, second paragraph, definition of "Eligible person" revised, 1999, 68 § 14; **section amended**, 1999, 127 § 122; second paragraph, definition of "Eligible person" revised, 1999, 127 § 123; definition of "Pharmacy assistance" revised, 1999, 127 § 124; tenth paragraph, second sentence revised, 1999, 127 § 125; fifth and sixth sentences stricken out, 1999, 127 § 126; twelfth paragraph revised, 1999, 127 § 127. (1999, 68 § 58; 127 § 390.)

§ 23, sixth paragraph revised, 1999, 127 § 129. (See 1999, 127 § 390.)

CHAPTER 118F - DEPARTMENT OF MEDICAL SECURITY. (New chapter added, 1988, 23 § 45.) (See 1988, 23 § 45.) (Chapter repealed, 1996, 151 § 274.) (See 1996, 151 § 690.)

CHAPTER 118G - HEALTH CARE FINANCE AND POLICY. (New chapter added, 1996, 151 § 275.) (See 1996, 151 § 690.)

CHAPTER 119 - Protection and Care of Children, and Proceedings against Them.

§ 1, four paragraphs added, 1999, 3 § 4.

§ 23, paragraph (C) of first paragraph, first paragraph revised, 1999, 3 § 5.

§ 24 revised, 1999, 3 § 6.

§ 25, paragraph added, 1999, 3 § 7.

§ 26, second paragraph, introductory paragraph revised, 1999, 3 § 8; clause (4) revised, 1999, 3 § 9; 1999, 6 § 1. (See 1999, 6 § 5.)

§ 26A added, 1999, 3 § 10. (See 1999, 3 § 26.)

§ 27 amended, 1999, 3 § 11. (See 1999, 3 § 26.)

§ 29B revised, 1999, 3 § 12; second paragraph, first sentence revised, 1999, 6 § 2. (See 1999, 6 § 5.)

§ 29C revised, 1999, 3 § 12.

§ 29D added 1999, 3 § 12.

§ 32, paragraph added, 1999, 3 § 13. (See 1999, 3 § 26.)

§ 39G, first paragraph, clause (c) revised, 1999, 3 § 14.

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§ 5A amended, 1999, 127 § 131. (See 1999, 127 § 390.)

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§ 7 amended, 1999, 64 § 2.

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CHAPTER 123 - Treatment and Commitment of Mentally Ill and Mentally Retarded Persons.

CHAPTER 123A - Care, Treatment and Rehabilitation of Sexually Dangerous Persons. (Former title, Care, Treatment and Rehabilitation of Sexual Offenders and Victims of Such Offenders.)

§ 1, definition of "Agency with jurisdiction" inserted, 1999, 74 § 3; definitions of "Mental abnormality" and "Personality disorder" inserted, 1999, 74 § 4; **section amended**, 1999, 74 § 5; definition of "Sexually dangerous person" revised, 1999, 74 § 6.

§ 6A, first paragraph, sentence added, 1999, 74 § 7.

§ 12 added, 1999, 74 § 8.

§ 13 added, 1999, 74 § 8.

§ 14 added, 1999, 74 § 8.

§ 15 added, 1999, 74 § 8.

§ 16 added, 1999, 74 § 8.

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§ 1, subsection (r) added, 1999, 127 § 132. (See 1999, 127 § 390.)

CHAPTER 125 - Correctional Institutions of the Commonwealth. (Former title, Penal and Reformatory Institutions of the Commonwealth.)

CHAPTER 126 - Jails, Houses of Correction and Reformation, and County Industrial Farms.

CHAPTER 127 - Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.

§ 38E added, 1999, 127 § 133. (See 1999, 127 § 390.)

§ 38F added, 1999, 127 § 133. (See 1999, 127 § 390.)

§ 38G added, 1999, 127 § 133. (See 1999, 127 § 390.)

§ 38H added, 1999, 127 § 133. (See 1999, 127 § 390.)

§ 129D, paragraph added, 1999, 127 § 134. (See 1999, 127 § 390.)

§ 133D added, 1999, 74 § 9.

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CHAPTER 128C - SIMULCAST WAGERING OF HORSE AND DOG RACING. (New chapter inserted, 1992, 101 § 5.)

§ 2 amended, 1999, 163 § 1.

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- § 2 amended, 1999, 127 § 135. (See 1999, 127 § 390.)
§ 4 amended, 1999, 127 § 136. (See 1999, 127 § 390.)
§ 17, clause (12) added, 1999, 127 § 137. (See 1999, 127 § 390.)
§ 38 amended, 1999, 127 § 138. (See 1999, 127 § 390.)
§ 83 amended, 1999, 127 § 139. (See 1999, 127 § 390.)

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(Former title, Powers and Duties of the Division of Fisheries and Game.)

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(New chapter added, 1990, 408 § 4.) (See 1990, 408 § 5.)

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CHAPTER 132B - Massachusetts Pesticide Control Act.

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- § 6, amended, 1999, 27.

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§ 121, third paragraph revised, 1999, 1 § 1.

§ 129C amended, 1999, 1 § 2.

§ 131K, third paragraph, sentence added, 1999, 1 § 3.

§ 131L, subsection (f) added, 1999, 1 § 4.

CHAPTER 140A - Regulation of Certain Credit Transactions.

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(Chapter repealed, 1981, 733 § 1.)

CHAPTER 140D - CONSUMER CREDIT COST DISCLOSURE.
(New chapter inserted, 1981, 733 § 2.)

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§ 27C amended, 1999, 127 §§ 140, 141, 142. (See 1999, 127 § 390.)

§ 44E ½ added, 1999, 127 § 143. (See 1999, 127 § 390.)

§ 148, second paragraph revised, 1999, 127 § 144. (See 1999, 127 § 390.)

§ 150 amended, 1999, 127 § 145. (See 1999, 127 § 390.)

§ 187 added, 1999, 127 § 146. (See 1999, 127 § 390.)

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§ 1 amended, 1999, 47 §§ 1, 2; sentence added, 1999, 47 § 3. (See 1999, 47 §§ 6, 7.)

§ 7, second paragraph stricken out, two paragraphs inserted, 1999, 47 § 4.

CHAPTER 151A - EMPLOYMENT AND TRAINING.

(Title revised, 1990, 177 § 247. Former title, Employment Security.)

§ 46 amended, 1999, 127 § 147. (See 1999, 127 § 390.)

§ 53A, paragraph inserted after first paragraph, 1999, 68 § 15. (1998, 68 § 58.)

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(Former title, Unlawful Discrimination against Race, Color, Religious Creed, National Origin or Ancestry.)

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§ 19A, second paragraph revised, 1999, 77.

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(Chapter revised, 1999, 127 § 151.) (See 1999, 127 § 385.)

§ 1 amended, 1999, 127 § 148. (See 1999, 127 § 390.)
§ 12 revised, 1999, 127 § 149. (See 1999, 127 § 385.)
§ 12A stricken out, 1999, 127 § 149. (See 1999, 127 § 385.)
§ 13, second paragraph revised, 1999, 127 § 150. (See 1999, 127 § 390.)

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§ 69H, second paragraph revised, 1999, 127 § 152. (See 1999, 127 § 390.)

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§ 2 amended, 1999, 64 § 3.
§ 24 amended, 1999, 64 § 4.
§ 40 amended, 1999, 64 § 5.

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§ 6 amended, 1999, 64 § 6.

CHAPTER 167G - TRUST DEPARTMENT.

CHAPTER 167H - MUTUAL HOLDING COMPANIES.
(New chapter inserted, 1987, 630.)

CHAPTER 168 - Savings Banks.

§ 5 amended, 1999, 64 § 7.

§ 27A amended, 1999, 64 § 8.

§ 34A amended, 1999, 64 § 9.

§ 34B amended, 1999, 64 §§ 10, 11, 12.

§ 34D amended, 1999, 64 §§ 13, 14, 15.

§ 36 amended, 1999, 64 § 16.

§ 37 amended, 1999, 64 § 17.

§ 38 amended, 1999, 64 § 18.

§ 39 amended, 1999, 64 § 19.

CHAPTER 169 - Deposits with Others than Banks.
(Chapter revised, 1995, 337 § 1.)

CHAPTER 169A - LICENSING OF CHECK CASHERS.
(New chapter inserted, 1993, 308 § 1.) (See 1993, 308 §2.)

CHAPTER 170 - Co-operative Banks.

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§ 10, amended, 1999, 143 § 2.

§ 24D, subsection (a) revised, 1999, 127 § 153. (See 1999, 127 § 390.)

§ 110, subdivision (N) added, 1999, 143 § 3.

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(New chapter inserted, 1993, 226 § 52.)

§ 110, subsection (F) added, 1999, 143 § 4.

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§ 33 added, 1999, 143 § 5.

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§ 21 added, 1999, 143 § 6.

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§ 20 added, 1999, 143 § 7.

§ 21 added, 1999, 143 § 7.

§ 22 added, 1999, 143 § 7.

§ 23 added, 1999, 143 § 7.

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(New chapter inserted, 1988, 23 § 65.) (See 1988, 23 § 92.)

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(New chapter inserted, 1991, 495 § 42.)

§ 3, subsection (b), third paragraph, penultimate and last sentence stricken out, 1999, 61 § 1; last paragraph stricken out and two paragraphs inserted, 1999, 61 § 2.

§ 4, subsection (a), paragraph (2) revised, 1999, 61 § 3.

CHAPTER 176K - MEDICARE SUPPLEMENT INSURANCE PLANS.

(New chapter inserted, 1993, 495 § 45.)

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(New chapter inserted, 1993, 226 § 53.)

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(New chapter inserted, 1996, 297 § 29.) (See 1997, 297 § 34.)

CHAPTER 176N - PORTABILITY OF HEALTH INSURANCE.

(New chapter inserted, 1996, 297 § 30.) (See 1996, 297 § 34.)

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(Chapter repealed, 1990, 499 § 22.) (See 1990, 499 § 24.)

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(New chapter inserted, 1990, 499 § 23.) (See 1990, 499 § 24.)

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- CHAPTER 202 - Sales, Mortgages and Leases of Real Estate by Executors, Administrators, Guardians and Conservators.**
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§ 8, paragraph added, 1999, 127 § 156. (See 1999, 127 § 390.)
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§ 1 amended, 1999, 3 § 15. (See 1999, 3 § 26.)

§ 2B added, 1999, 3 § 16. (See 1999, 3 § 26.)

§ 3 revised, 199, 3 § 17; paragraph (b), two paragraphs inserted after first paragraph, 1999, 6 § 3; paragraph (c), clause (iii) of third paragraph revised, 1999, 6 § 4. (See 1999, 6 § 5.)

§ 3B added, 1999, 3 § 18. (See 1999, 3 § 26.)

§ 5E added, 1999, 3 § 19; first sentence revised, 1999, 127 § 157. (See 1999, 3 § 26; 127 § 390.)

§ 6, after third paragraph, paragraph inserted, 1999, 3 § 20. (See 1999, 3 § 26.)

§ 6C added, 1999, 3 § 21. (See 1999, 3 § 26.)

§ 6D added, 1999, 3 § 21. (See 1999, 3 § 26.)

§ 6E added, 1999, 3 § 21. (See 1999, 3 § 26.)

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§ 16 added, 1999, 74 § 10.

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§ 1, definition of "Commissioner" inserted, 1999, 127 § 159. (See 1999, 127 § 390.)

§ 2 amended, 1999, 127 §§ 160, 161, 162. (See 1999, 127 § 390.)

§ 3 amended, 1999, 127 § 163. (See 1999, 127 § 390.)

§ 5 amended, 1999, 127 § 164. (See 1999, 127 § 390.)

§ 6 amended, 1999, 127 § 165. (See 1999, 127 § 390.)

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- § 23B added, 1999, 127 § 167. (See 1999, 127 § 390.)
- § 27 amended, 1999, 127 § 168. (See 1999, 127 § 390.)
- § 29C, first sentence revised, 1999, 127 § 169. (See 1999, 127 § 390.)
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- § 35 amended, 1999, 127 § 172. (See 1999, 127 § 390.)
- § 35C added, 1999, 127 § 173. (See 1999, 127 § 390.)

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- § 10 revised, 1999, 127 § 174. (See 1999, 127 § 390.)
- § 53, first paragraph, first sentence revised, 1999, 127 § 175. (See 1999, 127 § 390.)
- § 58, fourth paragraph revised, 1999, 127 § 176. (See 1999, 127 § 390.)
- § 59 amended, 1999, 3 § 22.

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- § 5 revised, 1999, 127 § 177. (See 1999, 127 § 390.)
- § 6N added, 1999, 127 § 178. (See 1999, 127 § 390.)
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§ 29 added, 1999, 127 § 182. (See 1999, 127 § 390.)

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§ 26, first paragraph, second sentence stricken out, 1999, 74 § 11; paragraph added, 1999, 74 § 12.

§ 45 added, 1999, 77 § 13.

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